The regular meeting of the Fairfax County Board of Zoning Appeals was held in the Board Room of the County Courthouse on Tuesday, December 7, 1965 at 10:00 A.M. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The meeting was opened with a prayer by Mr. Smith.

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10:00 A.M. - JAMES M. HARRIS, application under Section 30-7.2.9.1.5 of the Ordinance, to permit operation of a rooming house, part Lots 30 and 31, Fairfax Park, (6116 Rolling Road) southeasterly corner of Rolling Road and Tuttle Road, Falls Church District (RE-1) S-217-65.

Mr. Roy Beckner of the Planning Commission stated that the Commission had unanimously voted to request the Board of Appeals to defer action on this application for two weeks to allow for advertising in the proper Magisterial District.

Mrs. Henderson asked if the Planning Commission were aware that this rooming house was operating without a Use Permit and has been for some months; the permit was issued to a different person and it has expired.

Mr. Beckner said he did not think the Planning Commission was aware of that.

Mr. Smith asked if there was a report from the Health Department.

Mr. Woodson replied that the Health Department had stated that they had no objection to any application on today's agenda.

A letter from the Fire Marshal asked that the case be deferred until County departments can conduct an inspection of the property and make a report.

Mr. Roy Spence represented the applicant and requested that the application be deferred as he had only taken the case about a week before and had not had proper time to prepare it. He reviewed the case briefly as he understood it; the building has been operated as a rooming house since 1947. In 1962 a permit was granted to Mr. Casey, the owner at that time, for a two year period. It was limited to five persons. It operated until last summer and then the property was sold to Mr. Harris. At the time Mr. Harris bought the property there were sixteen roomers. He has operated since that time with no knowledge of violation until receiving a letter from the Zoning Administrator. The permit expired in January. Mr. Harris does not reside on the property.

Only six of the rooms have doors, Mrs. Henderson stated, and others are more or less cubicles with curtains; some have no windows. There is a communal kitchen where the men cook their own food.

Mr. Spence said he had talked with a neighbor who runs the kindergarten behind the property and they have no objections. Mr. Harris would be willing to meet with County officials on the property at any time.

The Fire Marshal stated that he went down to look at the property, Mr. Woodson said, and could not gain access. Therefore, he could not make a complete report.

Mr. Spence gave Mr. Harris' full name -- James M. Harris, Telephone Number - CL 6-5671, and said he would have Mr. Harris contact the Fire Marshal and arrange an inspection. He also agreed to request Health Department inspection.

Mr. Smith moved that the application of James M. Harris be deferred until December 21. In the intervening time, Mr. Harris should have a full report submitted to this Board from the Fire Marshal and the Health Department and someone should be on the premises during working hours for the next two weeks to allow either of these agencies to inspect the property. Deferred also for proper advertising (Falls Church District). Mr. Yeatman seconded the motion. All voted in favor except Mrs. Henderson, who voted against the motion, saying that she voted against the application in the first place because this is an improper location for a rooming house. Her opinion has not changed, and she felt the application should be denied today.

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10:20 A.M. - MRS. JOHN DEMAS, application under Section 30-6.6 of the Ordinance, to permit erection of porch closer to Wagon Wheel Road than allowed, Lot 29, Section 1, Riverside Estates, (1003 Battersea Lane), Mt. Vernon District. (R-12.5) V-234-65.

Mr. Witt of Witt Construction Company stated that Mrs. Demas desires a side porch which exceeds the side line setback. She is asking for a 2 foot variance from the front extension on Wagon Wheel Road. The porch will begin just behind the stoop alongside the house. There will be no obstructions to traffic and this will not create an eyesore.

What is the topographic reason for the variance, Mrs. Henderson asked?

There is no topographic reason, Mr. Witt replied, Mrs. Demas does not have enough room.

If Wagon Wheel Drive did not have a curve, Mr. Yeatman noted, possibly the porch could meet the requirements.

Mrs. Henderson suggested putting the porch at the front of the house, but Mr. Witt said it would not be suitable there as Mrs. Demas has a bay window and garage there.

Mr. Barnes suggested moving it to the back of the house but Mr. Witt said this would not be satisfactory.

There was no opposition.

Due to the fact that there is an alternate location on this lot for a porch, Mr. Everest said it was his opinion that the Board is bound by the Ordinance to deny the application. For those reasons, he moved that the application of Mrs. John Demas, application under Section 30-6.6 of the Ordinance, to permit erection of a porch closer to Wagon Wheel Road than allowed, Lot 29, Section 1, Riverside Estates (1003 Battersea Lane), Mt. Vernon District, be denied. There has been no evidence shown of hardship as defined by the Ordinance and there is an alternate location for a 15 foot porch which could meet the setbacks. Seconded by Mr. Barnes. Carried unanimously.

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10:30 A.M. - ROBERT RUSH, application under Section 30-6.6 of the Ordinance, to permit porch and carport to be enclosed closer to street property, Lot 281, Section 7, Pimmit Hills, (1920 Anderson Road), Dranesville District, (R-10) V-235-65.

Mr. Everest moved that this application be placed at the end of today's agenda as there was no one present to represent the applicant. Seconded, Mr. Yeatman and carried unanimously.

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10:40 A.M. - DALE E. TOLLANDER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 11.1 feet from side property line, Lot 30, Section 1, Woodlawn Manor, (9118 McNair Drive), Mt. Vernon District (RE-0.5) V-236-65.

At first, Mr. Tollander said, he contempleted a single carport, but if he takes a single carport and stays within the 20 feet, and with an 18 inch chimney protruding out, he ends up with a 9 foot carport which is impractical. He thought then of going behind the house 12 feet and going within 2 feet of the lot line. He had a contractor do the terrain and found that he would have to raise this at least 2 feet on the back side and the cost factor there would prohibit building the carport in this location. The house was built in 1959, Mr. Tollander replied in answer to a question from Mr. Yeatman, and he was not the original owner. There is a topographic problem on one side -- water stands in the area during the spring. There is also a problem with water in the back.

Mr. Everest said he would like to take a look at the property. At this time he could see no grounds for granting the application.

No opposition.

Mr. Everest moved to defer to December 21 to view the property. This is deferred for decision only. Seconded by Mr. Smith and carried unanimously.

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10:50 A.M. - GUY C. WOOLDRIDGE, application under Section 30-6.6 of the Ordinance, to permit erection of garage 9 feet from side property line, Lot 46, Section 1, Ravensworth Park, (7808 Killebrew Drive) Falls Church District. (R12.5) V-237-65.

Mr. Wooldridge said he wished to construct an attached garage on the east side of his home.

Mrs. Henderson asked if the neighbors on either side have carports or garages. Mr. Wooldridge said they do not.

Mrs. Henderson suggested cutting 3 feet off the garage and then it would meet setbacks.

Mr. Wooldridge said that would not be satisfactory as there would not be enough room to open the doors of a big car in a 12 foot carport.

Mr. Smith suggested a carport with a 3 foot overhang, by setting the posts back from the property line, to give the same coverage.

Mr. Wooldridge said he did not want a carport - he wanted a garage.

Unfortunately, the Board is restricted in granting variances, to properties that are restricted to the extent that it would be almost a case of confiscation of property, were the owner not allowed these variances, Mr. Smith explained. In this case, Mr. Wooldridge can build a carport or a 12 foot garage without a variance.

There was no opposition.

In the application of Guy C. Wooldridge, application under Section 30-6.6 of the Ordinance, to permit erection of garage 9 feet from side property line, Lot 46, Section 1, Ravensworth Park (7808 Killebrew Drive), Falls Church District, Mr. Smith moved that the application be denied for the following reasons -- the applicant has not shown a hardship as defined by the Ordinance. The applicant has enough space to provide a garage or carport for his automobile without the variance requested. Mr. Barnes seconded the motion. Carried unanimously.

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11:00 A.M. - JAMES E. HALL, application under Section 30-6.6 of the Ordinance, to permit erection of a carport closer to Swarts Drive than allowed, Lot 41, Section 2, Lee High Village, Centreville District (RE-1) V-239-65

Mr. Hall said he wished to build a carport but could not do so without a variance.

Mrs. Henderson suggested putting the carport in the rear of the house.

The drain field is in the rear, Mr. Hall said, the bedrooms are on the back side. He said he had lived in the house since 1955. The lot slopes off in the back.

Mr. Smith said he would like to look at the property.

No opposition.

Mr. Yeatman moved to defer the application to December 21 to view the property - for decision only. Seconded by Mr. Smith. Carried unanimously.

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The Board decided to hear the Robert Rush application which had been placed at the end of the agenda.

10:30 A.M. - ROBERT RUSH, application under Section 30-6.6 of the Ordinance, to permit porch and carport to be enclosed closer to street property, Lot 281, Section 7, Pimmit Hills, (1920 Anderson Road), Dranesville District. (R-10) V-235-65.

Mrs. Mary Cook Hackman, attorney, represented Mr. and Mrs. Rush, who were also present.

Mrs. Hackman said the Rushes wished to improve the property because they have two small children and need the increased living space. They contracted with Alcoa Aluminum to put siding on these existing structures. The Aluminum Company said they would get the building permits and there would be no problems. They were part way along on the structure, when the building inspector notified them that the building permit could not be obtained without a variance. They immediately stopped work and filed the application. The Rushes bought the house in June of 1964 and the porch and carport were already there. They only wanted to enclose them.

There was no opposition.

Due to the unusual circumstances surrounding this case as brought out in the testimony, Mr. Everest moved that the application of Robert Rush, application under Section 30-6.6 of the Ordinance, to permit porch and carport to be enclosed closer to street property, Lot 281, Section 7, Pimmit Hills, (1920 Anderson Road), Dranesville District, be approved as applied for. All other provisions of the Ordinance be met. Seconded by Mr. Yeatman. Carried unanimously.

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11:10 A.M. - GEORGE W. E. GREWE, JR., application under Section 30-6.6 of the Ordinance, to permit awning over existing patio 11.7 feet from side property line, Lot 10, Sutton Place, (3121 Grosvenor Court), Providence District (RE-0.5) V-240-65.

Mr. Quaster of the Home Improvement Company represented Mr. Grewe. They wish to put up a 10 x 20 foot awning to keep water seepage from the basement. Water seepage has ruined half the tile floor in the basement and this is the only way they can correct the situation.

The Board discussed the water seepage and did not understand how the awning would correct the situation -- it seemed to be an engineering problem.

Mrs. Henderson said she would like to look at this in relation to other sliding glass doors in the area.

No opposition.

Mr. Yeatman moved that the application be deferred to December 21 to view - for decision only. Seconded, Mr. Barnes. Carried unanimously.

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11:20 A.M. - VIRGINIA ELECTRIC AND POWER COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a power distribution facilities (switching station) Ox Road Substation, west of Route 123 on outlet road, Lee District. (RE-1) S-242-65.

Mr. Randolph Church represented the applicant. They proposed to erect a switching station at the actual point where the north-south line intersects the east-west major line. The Company owns 35 acres in this location and proposes to erect this station on approximately one acre located within the larger tract. The installation itself does not blanket the entire acre, but covers a good part of it. By putting the switching station here, the County will be able to draw on two major sources of power to Northern Virginia.

Mr. Roger Brooks, District Engineer of the Potomac District, stated that this particular facility would insure uninterrupted service to the area. The loads predicted for 1970 will be nearly double that experienced in 1965. They already have towers on the site that are taller than this structure will be -- the towers that carry the transmission lines. The structure will be surrounded by a 6 foot chain link fence with three strands of barbed wire on top. The gate will be locked at all times except during ingress or egress. The station will be unattended except for periodic checks. The control house will be approximately 30 x 15 feet and of cinder block construction. The nearest house is approximately one third mile away.

Mr. McKenzie Downs, Real Estate Appraiser and Broker, said he had made a study of the area and of similar sites and had found that development can and does take place near such installations. He felt that the proposed use is in harmony with the Comprehensive Land Use Plan and would not be detrimental to existing or proposed housing.

There was no opposition.

The Planning Commission unanimously recommended approval.

In the application of Virginia Electric and Power Co., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of power distribution facilities (switching station), Ox Road Substation, west of Route 123 on outlet road, Lee District, Mr. Smith moved that the application be approved as applied for, as shown on plats submitted. Also that the application include a 30 x 15 foot building of cinder block construction. There will be a 6 foot fence surrounding the installation with proper warning to the public that this is a switching device and carried high voltage. Maximum height of any structure in the application not to be more than 85 feet. All other provisions of the Ordinance applicable to this application shall be met. Seconded by Mr. Barnes. Carried unanimously.

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11:30 A.M. - THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a repeater station, N. E. corner of Lee Highway and Dixie Hill Road, Centreville District. (RE-1) S-243-65

Mr. Randolph Church represented the applicant.

Mr. Church stated that the applicant proposes to place a small repeater station on the property. He showed pictures of a typical repeater station. The building will be approximately 9 feet x 11 feet, a one story building. It will be all brick. This is needed in connection with a new cable that will run from Centreville Dial Center to the Fairfax Dial Center. Ideally, it should be located at the mid-point on that line and this location can only be varied a short distance because of technical reasons. Service will be increased and new lines will be made available. The repeater station will be boosting the signal strength from Centreville to the Fairfax area. There has been some difficulty in locating a site in this area. Ideally, the site should be on the north side of the highway, as it is at this present time; however, properties on the south side of the highway were also investigated in search of a site. In view of the fact that there are two commercial properties within the area within which this could be located, they looked at both of those. Both were on the south side of the road. The Burns real estate property did not have sufficient room within required setbacks to locate this and the other property they negotiated for but were unable to obtain.

Mr. Church stated that the operation would be entirely safe. It will be an enclosed brick structure and locked at all times except when checking equipment. The existing driveway does back to the site. There will be no smoke, noise, fumes or odor coming from the station.

No opposition.

Mr. Smith noted that the Dixie Hill Citizens Association are happy to have this facility here as they feel it will improve telephone service in the area.

In view of the Planning Commission's recommendation, in favor of the application, Mr. Smith moved that the application of the Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance to permit erection and operation of a repeater station, northeast corner of Lee Highway and Dixie Hill Road, Centreville District, be approved as applied for. The building will be approximately 9 x 11 feet and of brick construction. This is to be constructed on an easement owned or obtained by the Telephone Company. All other provisions of the Ordinance in connection with this application will be met. In view of the limited area of construction, the Board would recommend site plan waiver as it would serve no useful purpose. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

11:40 A.M. - BEN J. AND GLADINE MC CARTIN, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 34, Sulgrave Village (1900 Prices Lane), Mt. Vernon District. (R-12.5) S-213-65.

Mr. McCartin stated that his wife is a beautician. She wishes to have a small shop in her home and would operate it by herself. It would not be a full time operation as she is an instructor at the Alexandria Beauty Academy and teaches during the day. The operation would take place in the lower level of the building, with entrance from the rear. This would be a one chair operation and work would be done probably evenings and Saturdays. It would be to serve the

neighbors. There would be no signs or advertising. There is no beauty shop nearby. Mrs. McCartin works a split shift -- three days from 9 to 5 and two days from noon to 9 P.M. She would never take appointments after 7:00 P.M. and would finish up around 9 P.M.

Mr. Smith suggested limiting the hours of operation from 9 to 6 -- 6 would be the latest one could make an appointment. There would be no classes and no instruction. This would be granted contingent on Health Department and Fire Marshal's approval.

No opposition.

In the application of Ben J. and Gladine McCartin, application under Section 30-7.1.6.1.5 of the Ordinance, to permit operation of beauty shop in home as a home occupation, Lot 34, Sulgrave Village (1900 Price's Lane), Mt. Vernon District, Mr. Smith moved to approve as applied for. It is understood that this is to be a one chair operation which means that the applicant only can operate on the premises. Hours of operation will be 9 A.M. till 6 P.M. and this permit is subject to approval of both the Health Department and the Fire Marshal as to installations being suitable. This is for six days a week - no Sunday operation. The parking seems adequate in view that this is for only one customer at a time. All parking in connection with the homeoccupation shall be on the premises. It is recommended that site plan be waived. Seconded, Mr. Barnes. Carried unanimously.

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11:50 A.M. - WELLINGTON CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit porch 11.25 feet from side line, Lot 59, Section 3, Kirkside, Mt. Vernon District (R-17) V-223-65 (For decision only)

Deferred from another meeting to view the property. (from Nov. 9, 1965)

Mrs. Henderson said she must admit that when looking at this property one would not notice that the rear is out of line because of the curve in the street and because the houses are set at peculiar angles.

Mr. Everest moved that the application of Wellington Construction Co., application under Section 30-6.6 of the Ordinance, to permit porch 11.15 feet from side line, Lot 59, Section 3, Kirkside, Mt. Vernon District, be approved as applied for under the "mistake" section of the Ordinance. Seconded, Mr. Yeatman. Carried unanimously .

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The Board adjourned for lunch at 1:00.

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1:00 P.M. - LLOYD W. GAYLOR, application under Section 30-6.6 of the Ordinance, to permit carport 15 feet from side property line, Lot 9, J. N. Gibbs -- Oakwood, (3613 Surrey Drive), Mt. Vernon District (RE-0.5) V-221-65.

Deferred from November 9 to view the property - for decision only.

In the application of Lloyd W. Gaylor, application under Section 30-6.6 of the Ordinance, to permit carport 15 feet from side property line, Lot 9, J. N. Gibbs -- Oakwood (3613 Surrey Drive), Mt. Vernon District, Mr. Yeatman moved that the variance be granted as there is a topography problem and the owner has bought the property with this already under construction. Even if the carport were not already under construction, the case has merits for approval. Section 30-6.6.5.4 provides that the Board first find that such non-compliance was through no fault of the applicant. This is the case where the first owner had constructed this and the present owner is really not at fault. Seconded by Mr. Everest. Carried unanimously.

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1:10 P.M. - PAUL O. PARRAMORE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30.29 feet from Alexandria Avenue, Lot 74A, Resub. of Wellington #2, Wellington Subdivision, Mt. Vernon District. (RE-0.5) V-211-65.

Deferred from October 26 to view the property - for decision only.

Mr. Smith and Mrs. Henderson both agreed that the house could be turned and meet all requirements. There are no grounds for granting a variance.

Mr. Yeatman moved that the application of Paul O. Parramore, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30.29 feet from Alexandria Avenue, Lot 74A, Resub. of Wellington #2, Wellington Subdivision, Mt. Vernon District, be denied as there is no topographical or other reason for granting the variance. Seconded, Mr. Barnes. Carried unanimously.

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1:20 P.M. - NORTHERN VIRGINIA APARTMENT OWNERS ASSOCIATION AND LAFAYETTE ESTATES HOUSING CORPORATION, application under Section 30-1.8.9 and 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a low cost housing project by an eleemosynary or charitable institution , on east side of Holland Road and south side of Accotink Road, Route 626, Mt. Vernon District (R-12.5) S-222.65

Deferred from November 9 for better plats and for more information.

Oren Lewis, Jr., representing the applicant.

Mr. Everest noted that the plat which was sent to him had not been certified by an engineer.

Mr. Lewis said the applicant proposes to build at a density of 7½ units per acre a number of low cost housing units on property known as the Harrellson tract. He introduced Mr. Mavy, the Executive Secretary of the Northern Virginia Apartment Owners Association.

Mr. Mavy located the property on the map and pointed out 20 acres which he said they would use for recreation facilities. This would form a buffer area.

There is presently on the property, at the south end, a 36 inch sewer trunk line which feeds into Little Hunting Creek sewer plant, Mr. Mavy stated, and it is presently running at two thirds capacity. Water is available also. The existing water and sewer lines are adequate to accommodate the proposed facilities. They propose to establish sixteen complexes of 47 units each in this area, with the recreational facilities on the south end.

In the recreation area, Mr. Mavy continued, there will be two ball diamonds, tennis courts, swimming pool and bath house. Coming into the center of the project is the administration building, the second floor of which will be used for community facilities. Behind that, another swimming pool and tennis courts. Within each of these complexes of apartments there will be playground area for each unit. On the north end they have put in reservation seven acres which they have no control on - that is being taken out of their lease option. The County wants that property for public facilities.

The entire tract contains 121 acres. Mrs. Harrellson will retain 20 acres for her own use.

The property included in this application, Mr. Moray continued, is being leased from Mrs. Harrellson for a 75 year period. A lot of people call this a low cost project -- it is not a low cost project at all. The amount of money contemplated to be spent per unit is entirely realistic and it will be a good quality project. The total ground coverage they are anticipating is approximately 300,000 square feet. On a 100 acre tract this is about seven per cent coverage.

As for transportation, this lies 2,500 feet from U.S. #1 which is presently being widened to a six lane highway. Bounded on the north is Route #626 which is scheduled for four lanes. Holland Road on the west will be widened to four lanes and Parkers Lane is a four lane road. Negotiations are in progress with a bus company to furnish bus service to the area.

Mrs. Henderson briefly reviewed the history of this property -- a request for townhouses was denied 4 to 1 on September 16, 1963. This was for townhouses on 20 acres. On September 21 the applicant requested a rehearing. The rehearing resulted in the application being denied again.

In June 1965, Mr. Moray proposed that the Board of Supervisors rezone this tract on its own motion for garden apartments for this non-profit group. On July 14, 1965, Mr. Moray came in and said that the Northern Virginia Builders had joined in this non-profit proposal. On June 28, a discussion took place and the Board indicated that it would be September 16, 1965 before the Board would be willing to hear again about rezoning - this would be when the year was up. Mr. Moray said their option expired October 23, and if he had to wait until September he "might as well fold up".

Mr. Smith asked what name the option is in.

Mr. Lewis said the Lafayette Estates Housing Corporation was not in existance at that time -- the option was in the name of Moray as trustee for the corporation to be formed. The applicant is now in control of the lease option.

Mr. Smith asked if there were any statistics as to how many students the entire project would generate.

The complexions of the tenants of this project are very diverse, Mr. Lewis stated. There would be retired people with no children; people of low income, a number of whom will have children. There are no exact statistics as to how many children will be generated by the project. Under present zoning 380 single family houses can be built on the project. Although they will have more family units there, with the number of old and retired people living there, Mr. Lewis said he did not know that there would be a substantial difference.

Mr. Moray said that in their judgment, this is uniquely suited for this type development in this area. Industrial use is out of the question. Single family dwellings are not economically going to be developed. Some form of multi-family project is the highest and best use and the development which they have proposed should benefit the County in general and this part of the County in particular. On the west is Gum Springs.

Many people have called this a problem area of the County. People of Gum Springs are getting tired of being told they are in poverty. A group of men in this area have undertaken to clean up the area. This would improve the environmental aspects of the adjoining neighborhood and upgrade them.

Across Parker's Lane, Mr. Moray continued, is a former NIKE site which is now an intermediate school. To the south is Little Hunting Creek which will be buffered by the 20 acre recreation strip. Route #1 is 2,500 feet from this area and is zoned on either side for the most intense commercial and industrial use. Along the Route #1 corridor in addition are a number of apartments planned

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or under construction. The tract involved in this application is in the immediate vicinity of Hybla Valley where shopping facilities are located. As to need for this type of project, he read from a resolution passed July 28, 1965 by the Board of Supervisors. The motion endorsed in principle, expressed appreciation of apartment owners as to need for this type of project. Letter dated June 28 signed by the Housing Advisor of the County written to one of the Board of Supervisors estimated 450 families would be displaced. In Fairfax County a large number of County employees live outside the County because they cannot get adequate housing in the County, for the rates which they can afford to pay. This information came from the County Personnel Office.

Mrs. Peggy Plattner stated that the average County employee earns $5900.00 per year. There are many salaries below that. There are clerical, mail clerks, tax collectors, truck drivers, print shop employees, switchboard operators, and some of these people find it necessary to work a second job.

Mr. Lewis quoted from a report dated February 13, 1963, which reported that there was no housing available for hundreds of essential workers.

Mr. Rust stated that under the present County school formula, there would be 450 students estimated from the 751 units of apartments. Under the existing R-12.5 zoning there would be 270 students from the single family homes. This would be approximately 180 students more than anticipated at the present time.

Mr. Lewis quoted from a report dated February 13, 1963, which reported that there was no housing available for hundreds of essential workers.

Mr. Lewis gave figures on the schools in the area, capacity and enrollment, and felt that the students from this project could be taken care of by the schools.

Mr. Lewis stated that race would not be a consideration in gaining admission to the project -- this would be strictly on the basis of need. There is a substantial need in the Mt. Vernon and Lee Districts. They do not propose to build all of these units at the same time, but as they are needed. They are not intending to compete for apartment rentals with the people who are in the apartment business in the County; they are trying to take care of the people living in sub-standard housing or starving because they are paying rents which they cannot afford.

Mr. Moray said a one-bedroom unit with utilities would rent for approximately $55.00 per month and would compare with the Willston Apartments which rent for approximately $90 to $95 per month with utilities. A two-bedroom unit would be approximately $65.00 as compared with $115 for a two-bedroom unit at Willston. These apartments would be the same size as those at Willston. A three-bedroom unit rents for $80 as compared to $165 and $170 at Willston; a four-bedroom unit would rent for approximately $97.50 per month. The people who need these most have substantial families. The ratio was set up after consultation with FHA -- they were the ones who suggested the number of apartments in each category.

Mr. Barnes asked how the County could be assured that the rates would stay the same.

They cannot make a profit, Mr. Lewis said -- this is an FHA regulation. They must pay three per cent interest on the loan; they are paying interest on the ground itself so the total cost in this project is going to be the cost of erecting improvements. In addition to low interest they get grants for recreation, streets, sewer, etc. He said he would guarantee that the rents would be at no more than the cost of the building -- this at three percent, and the cost of various things such as utilities, etc. With completion, Mr. Lewis said he would imagine that the rates will go up but not a dollar would go into anyone's pocket.

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Mr. ~~Moray~~ Ourre said they do not intend to ask that the property be taken off the tax rolls.

The competitive builder, Mr. Lewis said, has to pay five to six per cent on his money, he would also be entitled to six per cent on his own capital investment. They have cut that out. In addition, there are these other grants. Fairfax County has a "workable program" and there are certain qualifications which they must meet. In the first place they must indicate need for it and interest in it. There is a workable program in existance in Fairfax County. They are as far as they can go now without this Board's approval. Mr. ~~Moray~~ Ourre has discussed the question of financing but can go no further.

Mr. ~~Moray~~ Ourre said the rents from the apartments being erected by Jube Shiver will average $100 per month.

In talking about need for housing, there are two factors, one of which can be talked about pretty solidly, Dr. Kennedy said. The people who are here now, who are living in sub-standard conditions. The other is an unknown factor -- the number of people who would come into an area if such a thing were available. The present housing program has been in effect for 51 months.

Dr. Kennedy discussed the number of houses that had been demolished; others which had been converted to other uses than residential; the number placarded as "unfit for human habitation". The total of these is approximately 950 units. If a project like this were approved there is no question that we would move much faster on the enforcement of the Ordinances. 63 houses have been demolished during the last 51 months in the Gum Springs area; 40 to 42 have been placarded; there is no question that they will come down. They have no jurisdiction to force demolition of these houses; this comes under the Division of Inspections.

Dr. Kennedy used Shreve Street at Falls Church and Bailey's Crossroads as two examples where sub-standard housing has been cleaned up. This has been accomplished through private developers. When there are old people living on a limited income, there is nothing they can do but force them out on the street and they are unwilling to do that.

As the Public Health Officer, Dr. Kennedy said he could not object to a proposal like this. He would say it is needed and should have been here a long time ago. He hoped there would be more of them.

Usually when apartment land is rezoned, the apartments constructed are not of the cost that people of the greatest need can afford, Mr. Smith said. The apartments at Bailey's Crossroads and Shreve Street rent for $125 a month, but they have helped. Mr. Smith said he was concerned and has been for many years, about the people in the County who cannot acquire adequate housing for their needs. It appears that no particular area wants this group. Somewhere along the line there has to be some consideration given to the needs of these people and make it available. Whether this is a proper approach, he said he was not sure. Someone has to do something or this problem will go along for another ten years. Whether to do it by Use permit or not, the prime factor is to get the thing going.

Mr. Lewis said they have the lease, they are just paying interest on it. They don't have any capital in it at all. After 75 years the buildings would revert to the heirs. The recreation area would be open to anyone in the area; it would not be limited to this project. The building coverage itself is only seven percent. They have adequate parking. This is quite close to Route #1 and they have been assured by the bus company that they will supply bus service. The impact on the area would be much less than that of a standard apartment development. The Board can place any restrictions they wish on the Use Permit and control the development. They wish to be a credit to the County.

Mrs. Henderson suggested a bond to insure that the grounds would be properly maintained and that any restrictions placed by the Board would be upheld.

Mr. Lewis said that FHA regulations provide that if any time this ceases to become a non-profit venture, the loan becomes due and payable. As for a bond, he did not know where it would come from.

Mrs. Henderson asked -- suppose this is unsuccessful? The permit is only to the Lafayette Estates, etc. and if they did not meet all the terms of the permit while operating, how would the Zoning Administrator enforce this or revoke the permit considering the investment made in this enormous project?

You have a legal right to close it down, Mr. Lewis replied.

Yes, but I can see that it would not happen, Mrs. Henderson said.

Mr. Luria said they were putting their reputation up -- two associations are joining together and putting up their reputations to sponsor the project. He asked what sort of bond Mrs. Henderson had in mind.

For instance, suppose the grounds got to be in disreputable state and the County had to come in and mow, Mrs. Henderson stated.

A certain amount of money is put into a fund each year, Mr. Lewis said, the FHA determines the amount. There is a fund for streets, sidewalks and street improvements, etc. FHA wants to make sure that it does not get bad either. The FHA calculates how much it costs to maintain the different areas we have been discussing, replacement of stoves, refrigerators, etc. All the things incidental to the management of any housing unit is going to be present here, Mr. Lewis continued. There will be custodial employees. These are costs which will have to be borne by the project.

Will this project be endowed in any way, Mrs. Henderson asked?

A lot of people will put in a lot of valuable time at no cost, Mr. Lewis replied. It will be completely sustained by FHA, the rental figures which they gave are FHA estimates.

What is the overall height of the proposed building, Mr. Smith asked?

Three stories - no more than 35 feet including the administration building, Mr. Moray replied.

What is the proposed construction material, Mrs. Henderson asked?

They have quite elaborate specifications from FHA, Mr. Moray said - it is going out for architectural contest.

Mr. Lewis said it would be brick exterior, a modern, attractive, building, standard apartment construction which will meet all County and FHA regulations.

FHA told them the cost would be $1,000 to $1,200 more per unit than normal construction of apartments in Fairfax County, Mr. Moray said.

What would be the minimum number of units that would be economically feasible, Mrs. Henderson asked? Suppose the Board decided that the density was too great?

You not only have the units themselves, Mr. Lewis said, but the off-site improvements and recreational facilities and the management. There is no question that it could be reduced in size and still operate.

Mr. Yeatman asked if there were limits on how many people could occupy each apartment. They would not allow more than one family to occupy each apartment, Mr. Lewis stated.

Mr. Moray said in a one-bedroom unit, there could be no children. In a two-bedroom unit - two children, provided that they are of the same sex. They also have a restriction that if the children are over six years of age, mixed sex - boy and girl - this would require a three-bedroom unit. They could have four children of the same sex in a three-bedroom unit. Four-bedroom apartments are set up for families with eight children or under. A four-bedroom apartment might be needed for three boys and one girl, or six children of the same sex - two in each room and one room for the parents. These are not requirements of FHA but requirements which they would set in their own organization for good management.

Mr. Paul Peachey of the Business and Professional Men's Group spoke in favor of the proposal. He said he had lived in this area for sixteen years. He felt that Mr. Shiver's 210 units were not adequate to satisfy the needs in this area. He said if the land were being rezoned for 2,000 units of apartments with no controls, he would not support it, but hoped the Board would approve this with the restriction that there be no more than 752 units. This will be a start in helping the Gum Springs--Hybla Valley area.

Mr. Lewis presented a petition with 86 names in support of the application.

OPPOSITION:

Mr. James Andrews, President of the Sherwood Hall Citizens Association, said the proposed use is not the best use of the land. They have continually opposed multi-family dwellings on this property. There are 86 members in their citizens association. They have had a meeting with 55 members present, and they unanimously voted to oppose the application because of the impact on schools, the traffic conditions, and this would be, in effect, rezoning of the property. It would be a spot zoning. During the last two years several requests for rezoning to higher density have been denied by the Board of Supervisors and there had been no change at this time to justify granting the request. Supposedly, the primary use of this project is to serve the residents of Gum Springs. However, there are only 200 to 250 families in Gum Springs. Reliable estimates indicate that less than 50 of these families would want to move into the housing project. Recent approval of Mr. Shiver's apartments would adequately handle the needs of the Gum Springs residents. Many of the people there plan to move into these apartments while their own properties are being renovated. The need is there but it is spread out all over the County and it would be better to have smaller segments of low cost housing spread all over the County rather than concentrate it here. By scattering this housing, there would be less to say. He had talked with the School Board representative in Mt. Vernon District and he said that apartment development would be adverse to the plans for school facilities in the area. There are no further plans for schools in the area. Existing high schools are already overcrowded.

Mr. Andrews said his own estimates, using the figures given as to the number of children allowed to each apartment, come out to be 1150 children minimum or as many as 2400 for 750 units. Low income families tend to have more children than families of moderate or high income. The Mt. Vernon Council of Citizens Associations passed a resolution favoring this site for a governmental center. They feel that the use proposed is not good planning and is not in the best interests of the citizens.

Mr. Bill Evans, President of the Williamsburg Manor North Citizens Association, spoke in opposition. He said he had seen no one in the room today representing any low income group. He said he had gone to Gum Springs and talked with the gentleman from the Saunders B. Moon Civic Action Association, and according to their information there are about 210 dwellings comprising a total of 900 population in Gum Springs. Of these, 47 homes have been condemned; 48 sub-standards not yet been condemned; 81 of the sub-standard ones are owner occupied and 34 of the sub-standard ones are rented.

As to the recreation area being a buffer, Mr. Evans said he was not sure that a swimming pool with bath house which would accommodate the number of people that this project would have, plus the others in the area who would presumably be allowed to use it, would be a suitable buffer. They feel that there are a lot of questions about the nature of the Lafayette Housing Corporation and how long it might last. They feel that in this respect a matter of this nature to so drastically change the character of the neighborhood by building on this piece of property zoned for single family homes should be the subject of a zoning application and should be considered in the normal rezoning channels. If they were not eleemosynary, that would be their only course in seeking that action.

Also, if this operation were not successful, he could not see how withdrawing the Use Permit could make such a large government financed operation vanish along with its residents. This is incompatible with the area and they oppose it for that reason, also because of overcrowded schools and roads in the area.

Mrs. Emma King, resident of Gum Springs and a member of the Gum Springs Citizens Association, said they are in the process of drawing up a plan to present to the Board of Supervisors. They estimate that not more than 20 or 30 families in Gum Springs would want to occupy these units. The already approved units of Jube Shiver are adequate for their needs. Many of them own their own homes and do not want to leave them.

Mr. Jonathan Castillo, President of the Hybla Valley Farms Citizens Association spoke in opposition. He substantiated Mr. Andrews' statements. It is more desirable to spread out smaller units in the County than have large ones of this proportion. He said his association supports the Planning Staff's recommendation that use of the land be for a governmental center. The best use of the land he said, would be for a hospital to serve the citizens of the area. This is the greatest need of the people, regardless of income.

Mrs. Betty Andrews spoke in opposition.

Fifteen people stood in opposition.

Mrs. Henderson said she had received a total of 64 communications in opposition to the application; some gave no reasons; some gave excellent reasons. The general tenure was density too great; overcrowded schools, and the traffic situation.

The Planning Commission recommendation was for denial.

The figures which he gave as to enrollment and capacity of the schools in the area were given to him by the School Board, Mr. Lewis said in rebuttal. The need has been amply demonstrated and supported by Dr. Kennedy. He has studied the problem and has lived with it for years. The area has need for a project substantially larger than this; there is a large group in Fairfax County that is definitely in need of housing. The number of children which would be produced by this project was based on the formula used for apartment projects in the County. All of these apartments will not have children. The average statistics figures was taken from the standard Fairfax County schedule. They have used this criteria for years and have found it to be successful. The question is need.

The people need it and this is a good location for it. If apartment land has to be bought, they cannot afford it. If that is the question then there will never be such a project.

Why didn't you go back to the Board of Supervisors for rezoning of this land when they indicated that they would be glad to hear it when the year was up, which would have been September, asked Mrs. Henderson?

We felt that we wanted to put on it the kind of controls only this Board could set, Mr. Lewis replied.

Why can't the newly voted Housing Authority fill this need, Mrs. Henderson asked?

We have been trying to do something about this need for a good while in this County. We have something that is feasible now, Mr. Marey said.

Mrs. Henderson suggested 250 units on the entire tract or make it the same as single family density.

It seems that the Board has had adequate testimony and good evidence of need for the proposed use, Mr. Smith said, and he was sure that all of the members would like time to make up their minds as to what the decision is.

Mr. Yeatman moved that the application be deferred to December 21 for decision only. They could come up with ideas of what conditions they want to place on this if it is granted. This is a big operation for a Use Permit in his opinion. Seconded by Mr. Everest.

Mr. Everest said he did not believe it was the intent of the Ordinance or government to set this Board up to make decisions on land use changes of this magnitude so if they are going to be backed into a corner to make a decision he hoped the Board members would spend a lot of time weighing the pros and cons.

This is a matter that should be before the Board of Supervisors, Mrs. Henderson agreed.

Carried unanimously.

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1:40 P.M. - MACK S. AND IRENE CRIPPEN, application under Section 30-7.2.8.1.5 of the Ordinance, to amend existing use permit additional seasonal camping facilities, west side of Hunter Mill Road at Colvin Run, Centreville District. (RE-2) S-231-65.

Deferred for the Board to view the property.

Mr. Yeatman moved that to expediate the application he would move that the application of Mack S. and Irene Crippen, application under Section 30-7.2.8.1.5 of the Ordinance, to amend existing use permit to permit additional seasonal camping facilities, west side of Hunter Mill Road at Colvin Run, Centreville District, be approved as outlined on the plat, with screening as outlined on the plat. The list of items presented by Mr. Crippen will be the ones that he can sell as an accessory use to this camping venture. The items on the list are the only ones that may be sold in the camp store: Alka Seltzer, bacon, bread, batteries, band aids, Bayer aspirin, butter, candy, charcoal, charcoal lighter, lantern fuel, daily papers, eggs, flashlights, flashlight bulbs, globes, generators, hot dog meat, hot dog rolls, hamburger meat, hamburger rolls, ice, ice picks, mantles, marshmallows, milk, matches, Off (insect spray), orange juice, post cards, potato chips, razor blades, Ticks Off, 6-12 Repellent, and stamps. Permit will be for 2 year period only.

December 7, 1965.

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All other provisions of the Ordinance applicable to this application shall be met. Camping season will be from May 1 to October 1. This recognizes construction of an additional bath house providing Mr. Crippen has the necessary permits. The noise from the loudspeakers and the train whistle shall be muffled to the satisfaction of the Zoning Administrator. No additional mechanical rides. Granted for family camping. Seconded by Mr. Barnes. Carried - all voting in favor except Mrs. Henderson who abstained.

Mr. Yeatman added that what is being granted today is what exists on the property now -- the additional picnic area, the new bath house, in addition to the already existing seasonal camping -- and nothing else. It is understood that the portable toilets will be eliminated by the additional bath house.

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Mrs. Henderson said that Mrs. Hurdle had called her with a complaint about a well on her property going dry and she felt (one hundred) it was because of Mr. Sorber's operation. Mrs. Hurdle had appeared before the Board of Supervisors last Wednesday and the Board had directed the Board of Zoning Appeals to hear this at the earliest possible date and provide such relief as it deems is warranted.

Mrs. Henderson read a letter from Mr. Coleman, County Soil Scientist, quoted as follows:

MEMORANDUM

"TO: Mrs. Henderson, Chairman, Board of Zoning Appeals

FROM: C. S. Coleman, Soil Scientist

SUBJECT: Shortage of water in shallow wells near Sorber's gravel operation on Hooes Road

1. A field study of the present gravel operation and the location of the nearest wells to the gravel pit was made December 6, 1965. This study was made at the request of Mr. Hurdle and Mr. Parris, County Board of Supervisors.

2. The well on the Hurdle property and the house next door is 900 feet from where the gravel is being extracted.

3. The Deaver's well which is on the same side of Hooes Road and near the entrance to the gravel operation is only 600 feet from the present gravel operation. Mrs. Deavers told me that she had not experienced any shortage of water. Her well is a shallow only only 26½ feet deep.

4. The face of the pit nearest Hooes Road below 12 feet contains considerable clay material. Water movement through this clay strata would be very slow.

5. It is my opinion, after checking the gravel operation and the wells in the area; that the low water in the Hurdle well and others in the area is due to the unusually dry weather we have experienced for the past 3 years. If the shortage of water in the wells was connected with the gravel operation, the Deaver's well should have been the first to go dry.

/s/ C. S. Coleman
Soil Scientist"

Mr. Smith moved that the Board ask Mr. Sorber's attorney to look into the situation and see if they can arrive at a satisfactory solution. If this does not work the Board will try something else. Carried.

The meeting adjourned at 7:30 P.M.
Minutes taken by Betty Haines

Mary K. Henderson Chairman

December 16, 1965 Date

The rugular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, December 21, 1965 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

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10:00 A.M. - EUGENE AND CHRISTINE BARLOW, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to beauty shop 21.4 feet from Columbia Pike, Lot 34 and 35, Annandale Subdivision, (7232 Columbia Pike), Falls Church District.(C-G) V-238-65.

Mr. Whitford W. Cheston represented the applicant. He stated the Barlows were merely attempting to do the same thing that has been done on the Annandale Florist Building at the corner. They are seeking to incorporate the existing porch into the existing building and along the side. They would also provide parking. The major revisions to the roads in Annandale have been accomplished and it may be assumed that the existing roadwork will remain in its revised condition for some time to come. Mr. Barlow years ago enclosed the porch but it is really an enclosed porch and not a part of the physical building itself. They are not asking to extend the building beyond its existing lines. Parking will be provided in the rear.

Mr. Smith said he would like to take a look at the entire block.

There was no opposition present.

Mr. Yeatman moved to defer the application until January 11 for decision only. Deferred to view the property. Seconded by Mr. Smith. Carried unanimously.

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10:10 A.M. - JOHN A. HOLZMAN, application under Section 30-6.6 of the Ordinance, to permit awning over existing slab 23.5 feet from Street property line, Lot 513, Block 15, Section 3, Springfield, (7121 Highland Road), Mason District. (R-10) V-241-65.

Mr. Woodson stated the applicant had requested deferral because of illness.

Mr. Everest moved to defer to January 11. Seconded by Mr. Yeatman. Carried unanimously.

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10:20 A.M. - KINGS MANOR ASSOCIATION LTD. PARTNERSHIP, Application under Section 30-6.6 of the Ordinance, to permit erection of townhouses, with variance on minimum lot area, end lot width, lot coverage, and front, rear and side line setbacks, all lots in Blocks H, J and K, Kings Manor, Dranesville District (R-T) V-244-65.

Mr. Henry Mackall represented the applicant. The property consists of three blocks in Kings Manor Subdivision, he explained, and is undeveloped. The entire subdivision of Kings Manor was recorded in 1929 and the lots are almost all 25 feet wide and 125 feet deep. The streets have never been built. At present the property is zoned R-T for townhouses and because of the way the property is shaped, the existing exterior streets make it almost impossible to develop under the existing Ordinance and do a proper job. The property was rezoned

September 22, 1965. The proposal presented today is the one basically presented to the Board of Supervisors in connection with the rezoning, Mr. Mackall continued. The property also has a swale which runs through it and creates some additional topographical problems with trying to bring the existing streets through the property. The plan which they have presented was worked out by their architect, Mr. Quigg, in consultation with the County staff and in accordance with the proposed Ordinance which has not yet been enacted because of a time lag. Mr. Mackall said he understood that the townhouse ordinance which exists today has been found to be really unrealistic and not a single townhouse project which has been developed in the County has been done without some variances. In the past these have been granted by the Board of Supervisors, and in their case, Mr. Mackall said they have granted unanimously the variances which they requested. There were variances on road frontage, dedication of streets (they were allowed to have private streets) and they were also allowed to have parallel parking on these private streets. In addition, the Board of Supervisors has advertised the vacation of streets which exist today. They will maintain one area as "rustic area" and it will be left in its natural state as much as possible. Some of the buildings will be two-story in the front and three-story in the back; others will be three-stories in the front and two in the back.

Mr. Mackall said they would like to vary the frontage requirements from 20 feet to 0 feet. They would like to vary the side yard requirements from 20 feet to 10 feet. They would like to vary the rear yard requirements from 40 to 20 feet. They are asking to vary the front yard from 35 feet to 10 feet; the coverage from 25% to 53% and the lot width from 40 feet to 30 feet; the average lot area, from 3600 square feet to 2200 square feet; minimum lot area 2400 square feet to 1800 square feet. That would not apply to each lot. They plan a total of 143 units. They are not requesting any more density; this is just to come in order with the new townhouse concept in the proposed ordinance and to give more open space. To build this under the present ordinance would be impossible.

There was no opposition.

Mr. Mackall said the townhouses would range in price from $35,000 to $40,000.

In the application of Kings Manor Association, Ltd., Partnership, application under Section 30-6.6 of the Ordinance, to permit erection of townhouses, with variance on minimum lot area, and lot width, lot coverage, and front, rear and side line setbacks, all lots in Blocks H, J and K of Kings Manor, Dranesville District, Mr. Smith moved that the application be approved as applied for, for reasons stated. This meets the requirements of the proposed revisions of the townhouse ordinance. Apparently, after a short duration, we find that our townhouse ordinance is not workable and apparently this is the reason we have the applications before us All other provisions of the Ordinance are to be met. This is tied to plat and layout which has been presented with the minor changes that might come about making trash pickup available to all the residents. Seconded by Mr. Barnes. Carried unanimously.

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10:20 A.M. - J. R. MITCHELL, application under Section 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store closer to rear property line than allowed, north side of Park Street, approximately 170 feet west of Cedar Lane, Providence District (C-N) V-245-65.

Mr. Ken Saunders represented the applicant. He stated that this was a request for a variance on the setback from the rear lot line, to 5 feet on only a portion of the building to be erected. On the plat presented, it involves approximately 8 feet at the most.

Would there be a canopy, Mr. Smith asked? If so, it is not shown on the plat.

Mr. Saunders said that he thought there would be a canopy.

There is a mutual agreement on ingress and egress of 75 feet on which no structure can be put, Mr. Suanders explained. This runs through the parking area. The easement is on Parcel 2 owned by Mr. T. Eugene Smith who plans to use the property for a service station. They plan to have a mutual entrance to the property.

Mr. Leathers said they were required to donate a piece of ground for a service road and this cut down on their property somewhat.

Mr. Smith said he felt they were trying to put too much on the property.

Mrs. Henderson suggested leaving off the canopy and putting the building forward.

Mr. Smith said he would have to see new plats before he could vote on the application.

There was no one present in opposition.

Mr. Everest moved that the application be deferred until January 11 for resubmission of plats showing the minimum variance that would be required for this building without a canopy. Seconded by Mr. Yeatman.

Mr. Smith said he would also like varification of the fact that 7-Eleven would construct this building without a canopy, or sidewalk as he had been told that they would not accept a building without this. Carried unanimously.

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10:40 A.M. - PAR VEHICLE SERVICE, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of a car rental (Airway Rent-A-Car), property at 5734 Leesburg Pike at Bailey's Cross Roads, Mason District (C-G) S-246-65.

No one was present to present the application or to represent the applicants. The Board agreed to put the case at the bottom of the agenda for this date.

10:50 A.M. - TOWN AND COUNTRY DEVELOPMENT CORPORATION, application under Section 30-6.6 of the Ordinance, to permit lot with less width at the building setback line than allowed, Outlot A, Section 1, Olde Swinks Mill Estates, Dranesville District (RE-1) V-260-65.

Mr. Lionel Richmond represented the applicant. At the time they examined the title in regard to this property, on the side of Outlot A right along that boundary line, there was a fence line and on the other side of the fence line there is 15 feet of property which is in question. There was an easement given to the mother tract above THAT which they now own, to come through to the Swinks Mill Road. There was some question as to exactly where the line of the 15 feet easement was, so to play on the safe side, they established this one point which was the other side of the fence and maintained that as the line for the outlot of their subdivision. They definitely have an interest in the so-called easement which will never be used as an easement. This subdivision is in one acre zoning. It will probably be one of the finest in the County. In addition to being two acre lots, they are putting in curb and gutter, streets and sewer.

They made this outlot A in order to come in later after approval of the subdivision and get the variance because at the building setback line there is a requirement that it should be 175 feet and they are exactly 12,3 feet short; they have adequate area, and everything else is fine, except they would have to have an easement here in order

to construct a house on the lot.

Mr. Richmond said his client has gone out of his way to give the best possible subdivision one can have. This is why he feels that the variance should be granted. It is necessary to be able to use this lot. It could not affect the adjoining property owners on either side.

No opposition.

Mrs. Henderson said she had received a telegram from Mr. Garfield Kass objecting to the request.

Mr. Richmond stated that Mr. Kass is holding up the development of the other one-half of this subdivision because he does not want to go into the sewer easement. This is strictly a situation of non-cooperation. They will have to condemn to get the easement for sewer so that it can serve his property.

If Mr. Kass has a bona-fide objection, he should be present to explain the reasons for his objection, Mr. Smith said.

In the application of Town and Country Development Corporation, application under Section 30-6.6 of the Ordinance, to permit Lot with less width at the building setback line than allowed, Outlot A, Section 1, Olde Swinks Mill Estates, Dranesville District, Mr. Smith moved to grant the application as applied for. This lot meets the square footage requirements and all the other requirements of the Ordinance other than the width at the building setback line. If this were an interior lot it would conform. Being a lot of record on a dedicated street it has about a 12.3 feet deficiency in width at the building setback line. Narrowness of the lot would prohibit any construction were this variance not granted. This is an unusual situation. All other provisions of the Ordinance to be met. Seconded by Mr. Barnes. Carried unanimously.

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11:00 A.M. - J. P. LANDRY, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 21 feet from rear property line, Parcel A, Block F, Section 5, Kirk Subdivision, Mt. Vernon District. (R-12.5) V-247-65.

Mr. Landry stated that the application is for a variance on the rear yard of 4 feet to construct a single family dwelling. The house would be 24 feet x 42 feet and would not have a garage. He would build the house to sell. The lot has an odd shape.

Mr. Neigh appeared in opposition and presented a petition with 21 signatures. He said he challenged the notification given by Mr. Landry. (Mr. Landry said he got the names of the adjoining property owners from the County tax rolls.)

Mrs. Jushinski, adjoining property owner, said she was not notified by Mr. Landry, but had seen the notice of hearing at least ten days ago, was aware of the hearing and would waive written notification. They bought the house in April of 1965 and had rented it prior to that.

The Board members agreed that Mr. Landry certainly had made an effort to notify the adjoining property owners by going to the tax rolls, and agreed that the application was properly before the Board.

Mr. Neigh said that everyone else had been required to conform to the Zoning Ordinance and they objected to any variances in the area. After seeing the picture presented by Mr. Landry today of the type house he wishes to build, they do not object to the house being built but they feel that they have not been kept abreast of what was going on. They have an architectural control committee which was set up in 1962 and Mr. Landry should have asked their approval before filing this application. There is a covenant in the deed book requiring their approval. Perhaps some kind of variance is necessary, Mr. Neigh continued, but he felt that they should have had an opportunity to sit down with Mr. Landry and discuss what he intends to do with the property. He agreed that this was the only triangular lot in the area.

What is the average price of houses in the subdivision, Mr. Yeatman asked?

About $28,000, Mr. Neigh replied.

Mr. Landry said his house would probably sell for $29,500.

Col. Shepherd, living directly across the street from Mr. Landry's proposed house, said he would like the case deferred until they could see what Mr. Landry's plans are.

Mr. Landry said he was not aware of the architcectural committee. If the variance is granted he would start construction as soon as possible. The house would be built of brick veneer.

This case warrants consideration, Mr. Everest said, as it meets the requirements of the Ordinance in requesting variances. This is an unusual shaped lot and this is the minimum variance request. Any covenants carried on this particular property are of no concern to this Board - they can be determined in Court. He moved that the application of J. P. Landry, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 21 feet from rear property line, Parcel A, Block F, Section 5, Kirk Subdivision, Mt. Vernon District, be granted as applied for, granting a 4 feet variance on the rear line. All other provisions of the Ordinance to be met.

It should be pointed out, Mr. Smith stated, that only a small portion of the building, possibly 8 to 10 feet of the rear of the house, needs the variance. This variance is necessary because of the narrowing of the lot -- it is a completely triangular lot. Seconded by Mr. Barnes. Carried unanimously.

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11:10 A.M. - VERNON M. LYNCH SONS, application under Section 30-7.2.10.2.2 and 30-6.6 of the Ordinance, to permit erection and operation of a service station and permit building closer to rear property line than allowed, Lots 231 and 232, Section 4, Springvale, Mason District. (C-N) S-249-65

Mr. Prichard represented the applicants. The highway widening in this area has put a lot of stations out of operation, he explained. This would be a Texaco filling station to replace one of these. There were 15 filling stations at the two intersections and now there are only 4 left. In addition, two service stations have been deprived of access to major roads. There is a need for this station. At this location, Mr. Prichard continued, they are required to dedicate an additional 30 feet of right-of-way. The first pump island is exactly 25 feet from that new dedication. The property behind this is a residential lot; however, it is undeveloped and is shown on the adopted Springfield Plan as commercial. These owners have not seet fit to ask for commercial zoning at this time so they will be required to screen it as though it were used for residential purposes. Because of this, they have the additional setback as required by the Ordinance. Of course, they will put in the screening

but they will be 41 feet from the property line and it would make it a difficult arrangement. It is a very large corner lot, but because of the additional 30 feet for widening, they cannot get two pump islands and the building in, and still have a 50 foot setback from the rear.

The only problem is meeting the 50 foot setback, Mr. Everest said, on the rear property line; this is setting off 41 feet now and this certainly is more than adequate.

What type of service station do they plan to construct, Mr. Smith asked?

It is a gable roof type of arrangement, Mr. Prichard replied.

Mr. Smith said he wanted to be assured that it would be a colonial type station.

No opposition.

In the application of Vernon M. Lynch Sons, application under Section 30-7.2.10.2.2 and 30-6.6 of the Ordinance, to permit erection and operation of service station and permit building closer to rear property line than allowed, Lots 231 and 232, Section 4, Springvale, Mason District, Mr. Smith moved that the application be approved as applied for. This includes permit to erect a service station within 41 feet of the rear property line. Property at the rear is in the Master Plan for commercial zoning and certainly this application warrants favorable consideration from this Board to allow the applicant to utilize this property. The area connected with the use is almost 3/4 of an acre and is certainly sufficient for this type of operation. All other provisions of the Ordinance to be met. Seconded by Mr. Barnes. All voted in favor except Mr. Everest who abstained from voting -- his company has submitted a bid on this station.

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11:20 A.M. - PAUL KAUFMAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport 9.8 feet from side property line, Lot 5, Block 2, First Addition to Hollindale, (2005 Sherwood Hall Lane), Mt. Vernon District. (R-12.5) V-250-65.

Mr. Kaufman stated that he had discussed his request with the neighbors and they are in favor. The church has had a meeting of the Board of Deacons and considered the proposal. On this property one of the chimneys sticks out about 13 or 14 inches so that when one takes an 8 foot wide car, puts up 6 inch posts, and drives it in without a variance, it would scrape off the paint. He is asking for a 12 foot carport -- this is a 2 ½ foot variance.

One extenuating factor, Mrs. Henderson noted, is the fact that the property adjoins the church parking lot which will be a permanent thing so it is not coming closer to any residence. Most of the houses do have carports.

It sounds like a reasonable request, Mr. Smith stated, and he complimented the applicant for asking for only a 12 foot carport rather than a 21 foot carport which some people ask for. Certainly the variance is justifiable in this case.

No opposition.

Mr. Yeatman moved that the application of Paul Kaufman, application under Section 30-6.6 of the Ordinance, to permit erection of carport 9.8 feet from side property line, Lot 5, Block 2, First Addition to Hollindale, (2005 Sherwood Hall Lane), Mt. Vernon District, be granted due to the unusual circumstances of the adjoining church parking lot. This is a minimum request and most of the houses have carports. Seconded by Mr. Barnes. Carried unanimously.

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11:30 A.M. - MARVIN CHENEVERT, application under Section 30-6.6 of the Ordinance, to permit carport to remain 9.1 feet from side property line, Lot 144, Section 1, Stonewall Manor, (8409 Manassas Circle), Providence District.V-251-65. (R-12.5)

Mr. Chenevert said he discussed his proposal with the building inspector and thought he had built according to his recommendation. The back area actually has a footing with a post on it and that is set back 12 feet from the property line. He was told at that time that he could build that way and have an overhang on the edge. His plans were approved for 12 feet from the property line.

Apparently Mr. Chenevert enclosed the tool shed, Mr. Smith stated.

This is correct, Mr. Chenevert stated. The application did not include inclosure of the tool shed.

Why not move the shed over, Mrs. Henderson suggested?

Mr. Yeatman said he would like to take a look at the property.

No opposition.

The applicant built the tool shed completely out of the dimensions that he had acquired a permit for to construct a carport, Mr. Smith said.

Mr. Yeatman moved to defer to January 25 to view. For decision only. Seconded by Mr. Everest. Carried unanimously.

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11:40 A.M. - JAMES M. HARRIS, application under Section 30-7.2.9.1.5 of the Ordinance, to permit operation of a rooming house, Part lots 30 and 31, Fairfax Park, (6116 Rolling Road), southeasterly corner of Rolling Road and Tuttle Road, Falls Church District. (RE-1) S-217-65.

Mrs. Henderson said she had received a letter from Mr. Spence, Attorney for the applicant, withdrawing the application. The property would not pass County inspections.

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The Board adjourned for lunch.

// DEFERRED CASES

11:50 A.M. - DAVE SAVILLE, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot 1, Annandale Gardens, Falls Church, (R-12.5) V-228-65.

Mr. Aldrich, joint owner of the land, said the existing dwelling is over 75 feet from Franklin Street so if the variance is granted there would be more visibility between the two homes than on the corner situated such as this. They will eliminate the septic system for city sewerage. The distance to the rear is greater than required. Both lots contain the number of square feet as required by the code in R-12.5 zoning. Some land was taken for widening Annandale Road prior to purchase.

Mr. Yeatman moved that the application of Dave Saville, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot1, Annandale Gardens, Falls Church District, be approved according to plat submitted, dated October 8, 1965. This is a 19 foot variance. All voted in favor except Mr. Everest who abstained as he did not hear the full presentation. Carried.

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December 21, 1965

12:00 P.M.- R. & D. HOMES, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling 48.7 feet from Milburn Street, Lot 57, Oliver Estates, (9901 Minburn Street), Dranesville District. (RE-1) V-229-65.

It was determined that there was no violation. The case was dismissed.

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12:10 P.M. - DALE E. TOLLANDER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 11.1 feet from side property line, Lot 30, Section 1, Woodlawn Manor, (9118 Mc Nair Drive), Mt. Vernon District V-236-65 (RE-0.5)

This application was deferred from an earlier meeting to allow the Board members to view the property.

Mr. Everest said he viewed the property and there was a topographic condition present. There is no alternate location for a carport. The side lot line that the variance is requested on is also the rear lot line of Lot 7 so this is an unusual case. He moved that the application of Dale E. Tollander, application under Section 30-6.6 of the Ordinance, to permit erection of carport 11.1 feet from side property line, Lot 30, Section 1, Woodlawn Manor, (9118 McNair Drive), Mt. Vernon District, be granted as applied for and all other provisions of the Ordinance be met. Seconded by Mr. Smith.

Mrs. Henderson said she would go along with a one car garage but not a two car garage.

The variance would not be detrimental to anyone's property, Mr. Everest stated.

Mr. Everest, Mr. Yeatman and Mr. Smith voted in favor; Mrs. Henderson voted against the motion because she felt it was too great a variance. A lesser variance would give the applicant relief and allow a carport. Mr. Barnes abstained - he did not view the property. Carried.

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12:20 P.M. - JAMES E. HALL, application under Section 30-6.6 of the Ordinance, to permit erection of a carport closer to Swarts Drive than allowed, Lot 41, Section 2, Lee High Village, Centreville District. (RE-1) V-239-65.

Deferred from earlier hearing to view the property.

After viewing the property and after considerable discussion and consideration, Mr. Smith said he felt that the application warrants favorable consideration, The rear of the property is practically flood plain and there is no alternate location to build a carport. This could not possibly adversely affect any one. This is the minimum variance to give relief and provide adequate coverage for a vehicle.

There is no carport or garage on the property at present. This is a house that sets on a corner lot on a hill and the applicant has said that if the variance is granted, he would use Swartz Drive as his entrance rather than using Village Drive. This would be an improvement over the present driveway arrangement.

In the application of James E. Hall, application under Section 30-6.6 of the Ordinance, to permit carport closer to Swarts Drive than allowed, Lot 41, Section 2, Lee High Village, Centreville District, Mr. Smith moved that the application be approved as applied for, in conformity with plats submitted in connection with this application. All other provisions of the Ordinance be met. Seconded by Mr. Barnes. Carried unanimously.

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12:30 P.M. - GEORGE W. E. GREWE, JR., Application under Section 30-6.6 of the Ordinance, to permit awning over existing patio 11.7 feet from side property line, Lot 10, Sutton Place (3121 Grosvenor Court), Providence District. (RE-0.5) V240-65.

Mrs. Henderson stated that she would like a better explanation of the situation, as to what the water problem is. They looked at the property. Where does the water come from?

Mr. Grewe said that whenever there is a driving rain they get water in both the sliding glass doors into the family room. The builder has tried to caulk the glass doors underneath but this still have not solved the problem. The inside of the house will deteriorate if they don't stop the water.

Mr. Everest said that he felt the door was defective and the builder would be responsible.

Mr. Smith agreed. He said he has two sliding glass doors himself on a house that he constructed himself, and there was no water coming in. The size of the awning could be cut down to meet the requirements of the Ordinance and still give protection from the sun, rain, etc.

There is a topographic condition on this property, Mr. Everest stated, and the awning which he is seeking would not be injurious to the neighbors. There is no reason why the Board should not grant this.

Mr. Smith suggested putting posts at the setback line with 3 feet of overhang to protect from the weather.

In the application of George W. E. Grewe, Jr., application under Section 30-6.6 of the Ordinance, to permit awning over existing patio 11.7 feet from side property line, Lot 10, Sutton Place (3121 Grosvenor Court), Providence, Mr. Barnes moved that the application be denied because there is an alternate plan. He could still have an awning to stop this situation and give adequate protection from the sun and it is not necessary to grant a variance. Seconded by Mr. Yeatman. Mr. Everest voted against the motion; Mrs. Henderson, Messrs. Barnes, and Yeatman in favor. Mr. Smith was out of the room.

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12:40 P.M. - NORTHERN VIRGINIA APARTMENT OWNERS ASSOCIATION AND LAFAYETTE ESTATES HOUSING CORPORATION, application under Section 30-1.8.9 and 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a low cost housing project by an eleemosynary or charitable institution, on east side of Holland Road and south side of Accotink Road, Rt. 626, Mt. Vernon District. (R-12.5) S-222-65/

Deferred from earlier meeting for further study.

Mrs. Henderson said she had received a letter from the School Board requesting deferral until they could complete a study on the area.

In essence, this is a change in density, Mr. Everest stated, and the density requested in this application is incompatible with existing zoning in the neighborhood.

This Board has consistently indicated that the actions and decisions of this Board are not rezonings and this should be noted in this particular case, Mr. Smith said. This is an application filed under a Use Permitted by the Ordinance. The Board has seen fit to grant similar uses in Fairfax County -- that was not questioned. He said he voted for that application because he felt it was justified, and a good use of the land. Primarily the Board is asked to decide these applications based on the information before them and certainly they have had some information pertaining to the schools that has been

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rather erratic. Figures were given that could not be substantiated as far as the number of pupils that this proposed housing would generate. A report from a member of the Planning Staff indicated that it would only increase the school population over and above what they had originally planned for by about 180 students and certainly the County is in a position to provide 180 potential youngsters schooling. He did not believe that the increase in the number of school pupils is a great factor as far as this application was concerned.

Mrs. Henderson said that she would like to comment on two things -- one was that the Board has granted this use to the Navy Marine Foundation House which also in essence is apartments in McLean. The very fact that certain things are permitted by Use Permit and not by right indicates that they are not appropriate in the same zone everywhere. The surrounding area must be taken into consideration. The other thing, about what Mr. Rust said, in generating extra school children; the formula which he used for determining the number of children is the normal formula for garden type apartments. The applicant indicated that there would be single people here and retired people and then he said that the people who need this housing most tend to have large families.

Mr. Yeatman felt that there is a need for this type of housing and this Board has the power to approve this and let the rest of the Metropolitan area know that Fairfax County is taking care of its people who are not in the $10,000 income bracket. There is a need in the County but everyone says "don't put it in my back yard". This is a compatible place for this type of apartment. Maybe the size could be cut and get things going and if this is a good program, probably the rest could be granted later on because if this gets started, there will be other similar uses started in other locations.

Mrs. Henderson agreed that there was a great need and it is fine that private industry is doing this. Probably county authorities could build something even cheaper than this and take care of the lowest economic group but density of units should not be changed beyond that which the R-12.5 zoning would take.

We are talking now of Alleviating hardship among Fairfax County citizens, Mr. Smith said. Apparently the key to this low cost housing is the three per cent financing proposed by the applicant and if the Board is shortsighted enough not to provide adequate housing and additional areas for recreation, it could result in something that is not desirable. If they come up with a complete plan, including recreation, in an area large enough to take care of the residents of this housing, then the Board is doing their job, but if it is cut down to 250 units, it seemed that one could not justify the off site drainage, road improvements and recreation areas so vital to this type of housing. Cutting it down to 250 units could well wind up as being something that would not be desirable.

This apparently will not be all developed overnight or in a two year period, Mr. Smith continued, but rather as the need arises. If the Board fails to give adequate housing or give consideration to an adequate number to alleviate the existing problem and to take care of some of the extra people who have to be relocated because of substandard conditions, again, he felt that the Board was being short-sighted. Certainly the need has been demonstrated. The organization sponsoring this is without question. The application is properly before the Board. There are other factors which he would like available if there were discussion of cutting down the number of units -- cutting this in half would defeat the purpose.

Mr. Yeatman agreed. Even the President of the United States is behind such projects, he said.

The White House suggested that small projects widely dispersed, were preferable Mrs. Henderson said.

December 21, 1965

What is a "small project", Mr. Smith asked?

Mr. Lewis presented a letter from the White House, quoted as follows:

"November 8, 1965

Dear Mr. Moure:

You are most thoughtful and considerate in taking the time to tell me of the project being undertaken by the Lafayette Estates Housing Corporation in Fairfax County, Virginia. I understand that the Corporation is a non-profit, charitable organization established by the housing industry for the purpose of providing decent and dignified residential units for the less fortunate people in the county.

I share your hope that this project will be successful in providing housing for low-income families displaced as a result of urban renewal or other governmental action. I also share your pride in this indication that the American free enterprise system is in this way demonstrating that it has the will and the spirit to provide housing for low-income families.

Let me assure you that I will be glad to give you any support I can in this project, and that I wish you every success in your venture.

Sincerely,

/s/ Charles A. Horsky
Advisor for National Capital
Affairs"

Mr. Everest pointed out that the Board of Supervisors had twice denied this same thing when it was presented to them. If the consensus of opinion of these Board members is that the density will have no effect on the area, it is in direct opposition ~~of~~ to what the Board of Supervisors and the School Board feels.

Mrs. Henderson said she could not help feeling troubled that some of the things gleaned in the last two weeks have not been exactly along the lines of testimony given by the supporters of this application, such as Route #626 being scheduled for a four lane highway. She said she had talked with Mr. Brett of the Highway Department and the future building of this road is like the rest of the roads in the County -- it could be two years, or ten years away. It seems that there were partial facts given in support of the application which might tend to influence the Board. They were not the whole story.

Much of the testimony given ~~the~~ by the opponents and proponents of this, Mr. Smith said, has been a little vague and in some cases he has found it to be incorrect. He felt that this is why the Board sits here -- to analyze facts from both sides and make decisions. He said he still felt that the situation was not as bad as pictured by the opponents and may not be as good as the other group pictures it. However, he said he could not see how this would devaluate property in the area. The road development, off site drainage and recreation facilities proposed here would enhance the area as far as living conditions are concerned. All this group is trying to do is to provide adequate housing at a cost these people can afford.

Mr. Everest said he felt that bringing in 752 units of people with a salary of $6,000 compared with 243 families with a salary of $10,000 to $15,000 would have a great impact on the area.

The group of people is now living in Fairfax County, Mr. Smith said, and he did not see how this would adversely affect the area. It would give greater buying power which would increase the economy. Many of these people might be able to get off their knees and walk again through this type of help and eventually become occupants of apartment houses with twice the rental.

This is localizing too many people in one particular area, Mr. Everest said, and it will have an effect on the area. People in the area will suffer hardships because of it if this is granted as a whole. If you compare the scholastic standards of the children coming out of low cost housing area compared to people coming out of land zoned R-12.5, he did not think Mr. Smith could say it does not have an impact on the schools.

Mr. Smith said he felt that providing 500 or 600 youngsters with adequate housing at this stage of their life would cause them to react more favorably to it than any other group. It is true, maybe many of them have not had an opportunity to exercise some of their educational capabilities but provide the environment we are talking about and the end product would be equal.

We are not talking about a slum area, Mr. Yeatman said -- these are good apartment units with all facilities for these people living here, whether they are old or young.

If this is a charitable eleemosynary institution and the main purpose is to fill a need, then they will find a way to meet a lower density, Mrs. Henderson said -- by endowment or foundation money, or something.

There is a need, Mr. Everest agreed, but said his argument was against the size of this particular project.

Mr. Smith asked if Mr. Lewis had arrived at a cost per unit, based on the full utilization of the plan as presented against a smaller plan?

Mr. Lewis said the quality of construction of the individual buildings and the necessities such as recreation area, roads, community center, grounds treatment, has to be borne by the entire project. They did not mean to represent that it is impossible to build a smaller number ofunits but the more this is decreased, the more is taken away from the playground areas, swimming pool facilities, the quality of the project as a whole. Unfortunately, it is not just on a ratio basis because many of these things require a certain number of units to support them and if the number is below that, then they cannot support them. They could have playground facilities with fewer units but the quality of the project, the overall management of the project as a first class project, should be this size.

Mr. Smith compared the number of units granted in the Navy Marine Foundation to the number of units in this application and said it seemed that the density of the Navy Marine Foundation was more than the density in this case.

Mrs. Henderson said that 286 units were granted on 13.2 acres, however, the great difference was that residents there must be 62 years of age and there would be no school children. They had an initial endowment of two million dollars which is being added to all the time to take up some of the slack of those who cannot afford regular prices. They are committed to a maximum of 375 occupants in 286 units. This adjoins commercial on one side.

According to FHA allocations, based on per unit cost, ~~this is an~~ THESE ARE average apartment units, Mr. Lewis said, AND including everything with the exception of certain off site grants which they are assured they will get, WILL COST $12,000 per unit. The buildings themselves will cost less than $12,000 per unit. ~~This~~ THIS includes all these other things.

Mr. Everest moved that the application be deferred for two weeks for Mr. Lewis and Mr. Moure to see what they can work out with 375 units which is cutting the project in half. Cut down on the acreage also. If this works out there is a possibility in the future of extending this operation to its fullest. The need is there but to put it all there at once would have an adverse effect on the area. Seconded by Mr. Smith, who asked to amend the motion: He wanted to have additional information. Mr. Everest did not wish to amend the motion. Mr. Smith withdrew his second and the motion failed. Mr. Smith said he could not agree to cut this down to a specific number of units until he had considered additional information.

A $12,000 unit would be comparable to most of the units in the County renting for $100 a month and may exceed it, Mr. Smith said. He was concerned since he was aware of the strict regulations of FHA as far as construction is concerned -- cutting down the number of units could well defeat what the applicant is trying to accomplish.

If the Board approves 375 units on 40 acres, Mr. Yeatman asked if the applicants could work out the same type of buildings and come back later for the rest of the project.

The problem is planning the whole thing, Mr. Lewis said, they have to know at the beginning what they are allowed to do. Streets for example -- if they build the whole project they would build 80 feet wide streets. If they don't build the whole thing, they cannot make the streets this wide. They would have to be reduced considerably. You cannot start out by building half a street; the same is true of recreation facilities.

Mr. Lewis said they felt that building 200 units the first year; 200 the second year, and the rest as required would lessen the impact on the area and allow them to get started. Under their lease they have five years to take down all the property.

Mr. Smith said he would like to have answers to some of the questions -- How much would reducing the number of units increase the cost of land per unit; What the ultimate effect would be on the proposal -- How would reduction of the number of units affect the whole thing? What effect would reducing the number of units have on the rentals?

Mr. Yeatman moved that the application be deferred to January 11 to allow the applicants time to get additional information as to the problem of density cut on the same tract of land. The monetary effect on the rentals, etc., type of construction of apartments, what effect will reduction of units have on the roads? the entire project? the recreation proposals?

Mr. Smith said he felt very strongly about cutting out widening of Holland Road as this is an important factor. It should be completed as proposed, to an 80 foot road rather than a 50 foot road, and he would think a long time about granting a sizable number of units on a 50 foot road. He would hope also that the School Board could come in with their perpetual study. Seconded by Mr. Barnes.

Carried unanimously.

Mr. Everest said he hoped that the Board would make the stipulation that if this is approved, the Board must approve the architectural design and appearance of this building.

Mr. Lewis said that would be acceptable.

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December 21, 1965

10:40 A.M. - PAR VEHICLE SERVICES, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of a car rental (Airway Rent-A-Car), property at 5734 Leesburg Pike at Baileys Cross Roads, Mason District, (C-G) S-246-65.

Mr. Gary Hutchinson represented the applicant. However, there was no evidence that five people were notified of the hearing.'

Mr. Everest moved to defer to January 11 to allow for proper notification. Seconded by Mr. Yeatman. Carried unanimously.

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The Board upheld the decision of the Planning Staff on the problem of Mr. Martin L. Morris. Mr. Smith moved that the Planning staff had made a proper interpretation of the situation and the Board would support Mr. Rust's decision. Seconded by Mr. Everest. Carried unanimously.

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Messrs. Jerome Norris and Karl Kaufman appeared before the Board with problems concerning development in the RM-2M zone. However, the Board determined that they could make no recommendation or decisions until they were presented some kind of a plan.

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CITGO GAS STATION, 5800 Seminary Road.

Mr. Woodson stated that Mr. Willie Jenkins wished to operate an upholstery shop and work on auto tops, etc. at this location. The Board agreed that this would not be allowed.

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Mrs. Henderson stated that the fourth Tuesday in February is a legal holiday. The Board will meet on the 8th and 15th of February.

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The meeting adjourned at 5:30 P.M.

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Minutes taken by
Mrs. Betty Haines

Mary K. Henderson Chairman

January 27, 1966 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, January 11, 1966 in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

The first order of business was to elect a chairman and vice-chairman for the coming year.

This Board under the present leadership has enjoyed the respect of the citizens of Fairfax County for a number of years, Mr. Smith said. He felt that the present chairman had done an outstanding job in time, in the keeping of records of the Board and in keeping the other Board members in line. Therefore, he moved that Mrs. Henderson be re-elected as chairman to serve in 1966. Seconded, Mr. Barnes. The nominations were closed and the motion carried unanimously.

Mr. Barnes nominated Mr. Smith for vice-chairman as he felt he had done an outstanding job on the Board. Seconded by Mr. Yeatman. Nominations were closed and the motion carried unanimously.

Mrs. Betty Haines was appointed Secretary.

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10:00 A.M. - JACK S. GILLEAN, application under Section 30-6.6 of the Ordinance, to permit existing open porch to be enclosed 7 feet from side property line, Lot 19, Parkhaven, (3410 Glen Carlyn Drive), Mason District. (R-12.5) V-248-65 (Echo).

The application was found to have been advertised and posted as being in Falls Church District when it should have been in Mason District. There were no objections, however, and since the notifications were in order, the Board agreed to hear the case.

Mr. Woodson said an open porch was approved by the Board in 1956 and this was an application to enclose it.

Mr. Gillean stated that he had lived in this house since 1958 and he wished to enclose the porch to make it look like the rest of the house. The next door neighbor has an enclosed area very similar to this.

This application had no opposition.

Mr. Everest moved that the application of Jack S. Gillean, application under Section 30-6.6 of the Ordinance, to permit existing open porch to be enclosed 7 feet from side property line, Lot 19, Parkhaven (3410 Glen Carlyn Drive), Mason District, be approved as applied for and all other provisions of the Ordinance shall be met. Seconded by Mr. Yeatman. Carried unanimously.

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10:10 A.M. - GULF OIL CORPORATION, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, Lots 48 and 50, Freedom Hill Farms, (on Route 7 Tysons Corner), Providence District. (C-N) S-252-65. (Providence Journal)

Mr. Richard Hobson represented the applicant. He located the property as being near Tyson's Corner on Route 7, opposite the proposed regional shopping center. The land was recently rezoned at Gulf's request for a gasoline station.

The property is abutted on the east by commercial property; and across the road is commercial property; however, the property on the left is still zoned residential. All the properties fronting on Route 7 ~~and~~ are in the Tyson's Corner Master Plan for commercial use. This is a Master planned, commercial area and is quickly becoming such. He understood that the grading plan for the regional shopping center across the road had been filed; this will be a $40 million dollar site with more than one hundred stores. There are gas stations in this area.

The section of the ordinance which this application comes under specifies that the applicant must point out that the nature of the use proposed will not result in more traffic, Mr. Hobson continued. He said he checked the figures and there was a ten per cent increase in traffic in 1963-64. This will not add to the traffic, it is for serving the traffic. It will be harmonious with other uses in the District. Mr. Fletcher has a lease with the adjoining property owner for a septic tank on ~~this~~ his property until such time sewer is made available. Gulf will bring in the sewer in such a location that the Fletchers can also hook on to the sewer. They will provide screening on the residential side of the property. The property to the east, which is zoned C-N, is also owned by Gulf but there are no plans for developing this property. It will probably be sold or leased. On the other hand, should this station need more space, they would come back to the Board and amend its application.

Mr. Hobson showed a picture of the porcelain-type station which they plan to erect.

Other companies have gone to colonial and ranch type stations, Mr. Smith pointed out, and this not only has been of aesthetic value to the County but also of benefit to the oil company. They have been well received in the community. The cost involved is probably somewhat higher than the porcelain stations but Mr. Smith said he felt that this was an area where Gulf should join with its competitors and come up with a ranch or colonial type station.

Gulf does have a colonial design, Mr. Hobson stated, and mentioned one in the District of Columbia, with which Mr. Smith said he was acquainted and was a very fine station.

No opposition.

Mr. Everest moved that the application of Gulf Oil Corporation, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lots 48 and 50, Freedom Hill Farms (on Route 7, Tyson's Corner), Providence District, be approved as applied for, for filling station only. The construction will conform to colonial type brick building and that no porcelain be used on the front of it. Seconded by Mr. Yeatman. Carried unanimously.

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10:20 A.M. - HUMBLE OIL AND REFINING CO., application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, part Lots 1, Unit 2, Fairfax Park, Falls Church District. (C-D) S-253-65 (Echo)

Mr. William Hansbarger represented the applicant.

This is approximately 1.4 acre at the intersection of Old Keene Mill Road and Rolling Road, Mr. Hansbarger explained, and the land to the west in the photographs is part of a proposed shopping center. This station will appear to be a part of the shopping center when the shopping center is completed. They could put either a ranch type or colonial station on the property. This would be a three-bay station.

Mr. Abraham N. Swartz spoke in favor of the application. The property was acquired by him in April 1916, he said, and in 1930 he visualized that this corner and another corner across from it would be a good place for a shopping center to serve the community. He said he and his brothers still own 65 acres and they would like to see this station here. They have always felt that they would like to do something that would be a credit to the community. They conveyed the property to Humble without any collateral or security and they are perfectly confident in the ability of Humble to do a good job; they did not know of anyone who could better do the job than Humble.

Mr. Morris S. Swartz spoke in favor of the application also.

There was no opposition.

In the application of Humble Oil and Refining Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and opeation of a service station, part of Lot 1, Unit 2, Fairfax Park, Falls Church District, Mr. Smith moved to approve the application as applied for. This is a three bay colonial or ranch type station. All other provisions of the Ordinance will be met. Granted for service station only. Seconded, Mr. Barnes. Carried unanimously.

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10:30 A.M. - KATZEN AND GIBSON, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 20 feet from side line and 50 feet from rear line; and permit erection of an office building 70 feet from rear property line, on west side of Route 635, approximately 300 feet north of Beulah Road, Route 613, Lee District (I-P) (Gazette) V-254-65

Mr. Roy Spence represented the applicants and located the property on the map. They are asking for a 70 foot variance on the office building and the rear portion of the warehouse, he explained, and another variance next to the existing gravel pit. The predominant use in the area is a gravel pit operation. It probably will remain so for a number of years to come. The only homes in the area are two older homes and a group of other homes. They will need a 70 foot variance next to the railroad spur that they plan to put in. Along the rear of the property, the side closest to the railroad, they are asking for a 50 foot variance at the end of the warehouse and 30 feet for the office building. The office building is for MacDonalds Hamburgers and it will be an attractive building. He showed a picture of the proposed building.

They arrived at the location of these buildings after considerable consultation with engineers and architects, Mr. Spence continued. The road coming from Route #635 to this point is already in. This forces them to locate their road down the center of the property. They have reserved some land for the future in case they need an additional spur along that side of the property.

Almost anything can follow after a gravel operation, Mr. Spence said, but if the land were developed as residential, he did not think that the use of this land for industrial purposes, even with the variances, would result in disrupting the homes because of the existing railroad.

How much processing will go on on the property, Mr. Smith asked?

There would be no slaughtering or anything of this nature, Mr. ~~Smith~~ SPENCE replied, they would bring in the meat and grind it on the premises. No other processing would be done.

The road situation is the primary reason for the locating of the buildings in this manner, Mr. Spence said.

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OPPOSITION:

Mr. Black of 7305 Lamarr Drive spoke in opposition. He is President of Capitol Employees, Inc., he stated, representing 88 share holders who have a substantial investment in the property most affected by this application.

Mr. Smith asked Mr. Black if they own the property that is now being excavated.

It is a lease arrangement with the Clem Road Gravel Company, Mr. Black replied. The lease arrangement with the Clem Road Gravel Company provides that it can be extended for two 24 month periods with the provision that the contract can be terminated on nine months notice. Most of the gravel has been taken out and they intend to serve notice very shortly. The gravel extraction has been going on for approximately 24 months. Approximately in the center of this property is a fairly good sized building being utilized by their tenants the Capitol Fleet Club, Inc. devoted to entertainment and recreation for their employees. Many of their share holders are long time residents of Fairfax County. Their Board of Directors very carefully studied the details of this application and found that this would have an adverse effect on their property as it is presently zoned residential. It is hard to imagine a more horrendous sight than the extremely close proximity of large warehouses and the railroad and boxcars. Who would buy a house in such an area as this? He objected to the noise which would come from the freight cars and the large trucks.

It is no secret that they are trying to sell their land, Mr. Black stated; the applicants made an offer which they would not accept. The applicants have requested an easement from them in order to bring in a railroad siding but they are unwilling to grant the easement.

Mr. Everest said he surmised from the testimony that the club was holding the property to develop and sell as residential and he wondered if there had been any attempt made to rezone it to commercial.

No, Mr. Black replied, but they have had some offers. The granting of this variance would be detrimental to any type of residential property.

But not detrimental to industrial development, Mr. Everest noted.

No, Mr. Black agreed, it might be advantageous. However, they don't know that they would have it zoned some other way; they might have to sell it tomorrow in its present zoning. The applicants have indicated to them, Mr. Black continued, that they do not really need this variance. The variance would allow them to squeeze more industrial activities on the property. The applicant has indicated that through proper arrangement they could locate the office building close to them and the warehouse on the opposite side.

That would mean bringing the railroad spur a greater distance, Mr. Smith said.

Mr. Black said they realize that it costs a lot of money and in return for not opposing the variance, the applicants said they would allow the club to use that siding. They feel, however, that it would be more suitable to bring it in themselves, if they should need it in the future.

Mr. Smith said he would like to take a look at the property.

The Master Plan has this shown as R-12.5 zoning, Mrs. Henderson said, and the applicant has not demonstrated why the buildings cannot be relocated; with 13 acres the office building could certainly be put somewhere else.

Mr. Spence said he felt that the slight traffic from the railroad spur would not materially add or detract from single family homes that might go on the property; if the freight cars have a detrimental effect, it would be those on the RF&P Railroad. He said they would be willing to place a large stockade fence along the property line to protect the residential property.

Mr. Smith moved that the application be deferred until January 25 in order that the Board members could view the property. Seconded by Mr. Yeatman, who added that he would like to see the property marked off with stakes. Mr. Spence said this could be done.

Mrs. Henderson noted that a full Board would not be present at the next meeting and suggested deferring this to the first meeting in February. This was not satisfactory to the applicant, however, therefore it was decided that this would be heard again in two weeks and if the Board felt it could not be decided without a full Board, it could be deferred again.

Motion to defer carried unanimously.

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10:40 A.M. - MRS. P. F. PHILLIPS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit private piano lessons - one student at a time, total of 30 students, Lots 151 and 152, Section 2, Hollin Hall Village, (1307 Bunker Hill Road), Mt. Vernon District. (R-12.5) S-255-65 (Gazette)

Mrs. Phillips was represented by Mr. Robert Murphy. This is an application to permit the teaching of private piano instructions in a private home, Mr. Murphy explained, and their basic position is that this as a special type of instruction is a misnomer; this is nothing more than a home occupation which could be permitted in any residential home in the County. Mrs. Phillips was informed that it was necessary for her to follow this route and that is why they are before the Board.

This is a split level single family home situated on a double lot, Mr. Murphy continued, in a basically residential neighborhood. The lot has approximately 135 feet of frontage on Bunker Hill Road and is about 165 feet wide in the rear. Mrs. Phillips gives piano instructions on a single student basis to approximately 30 students in her home. The piano is in a room in the living quarters of the home. The duration of instruction is from 3:15 in the afternoon until 6:15 for these hours only, Monday through Friday. The instruction period per pupil is 30 minutes. This is private instruction, one pupil at a time, nothing approaching class type instruction. The Phillips' have been living here for less than a year and Mrs. Phillips has been giving instructions without any knowledge of the fact that she may or may not be prohibited by the code from the instructions. She first received an anonymous letter suggesting that there was a noise problem. Mr. Ellicott, Zoning Inspector, told her that this was not a music school and no permit would be required; however, later he indicated that since there was a complaint, he felt obliged to notify her that this appeared to be a violation and could be done only by a permit. Insofar as traffic problems are concerned, Mr. Murphy said there was no traffic congestion - 3/4 of the parents bring their children and drop them off; 1/4 of the students walk. If there is momentary parking, it can be done on both sides of the street or in the driveway.

Is this a twelve month a year operation, Mrs. Henderson asked?

Yes, it is, Mr. Murphy replied. Mrs. Phillips has six pupils per afternoon; she never teaches two at a time. There is never any meeting of a group.

Mrs. Henderson read a letter from Colonel and Mrs. Merson who said they felt that granting this variance would allow a full scale business operation on this property. They complained of noise; Col. Merson has a heart ailment and must sleep during the afternoons.

Mrs. Phillips said she had been a teacher in Pennsylvania before she moved here. Since moving, she had done no teaching. She was able to acquire this number of students so rapidly because of her work with the church choirs and because of the demand for this service in the neighborhood. SHE said had done absolutely no advertising.

In the application of Mrs. P. F. Phillips, application under Section 30-7.2.6.1.3 of the Ordinance, to permit private piano lessons, one student at a time, total of 30 students, Lots 151 and 152, Section 2, Hollin Hall Village, (1307 Bunker Hill Road), Mt. Vernon District, Mr. Smith moved that the application be approved as applied for with the following stipulations: Hours of operation be from 3:15 in the afternoon and no later than 6:30 in the evening. The operation should not be earlier than 9:30 A.M. Saturdays. The applicant shall provide what amounts to sound proofing of the studio or music room to the extent that noise should not overflow beyond the property lines to a noticeable degree. (Sound proofing means keeping the windows closed, adding storm windows and air conditioning.) All other provisions of the Ordinance must be met. Seconded by Mr. Barnes. Carried unanimously. The Board recommended waiver of the site plan.

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10: 50 A.M.- DOLORES C. FORMAN, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on 4 acres of land, on east side of Route 602, 1.7 miles north of Route 7, Dranesville District. (RE-2) S-257-65 (Providence Journal)

Mrs. Henderson said she had received a letter requesting 30 day deferral in order to have the applicant serve proper notification; she had been unable to notify adjoining owners on all sides.

Mr. Barnes moved to defer to February 15. Seconded by Mr. Yeatman. Carried unanimously.

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11:00 A.M.- MRS. LUCILLE AUGUSTINE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of day nursery for 15 children (2 years to 8 years), Lots 207 and 208, Block F, Memorial Heights, (2905 E. Preston Avenue), Mt. Vernon District (R-12.5) (Gazette)

Mr. Woodson said he had had no complaints on this operation.

Mrs. Augustine said she was applying for an additional five children; she was granted a permit by this Board in 1962 for 10 children. She has received a permit from the State and the Health Department approving 15 children and she understood that she had been granted 15 children when she got the original permit from this Board. They pick up the children at 7:00 A.M. and by the time they get them all back home it is 7:00 at night. This is five days a week, 12 months a year.

No opposition.

In the application of Mrs. Lucille Augustine, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of day nursery for 15 children, (2 to 8 years) Lots 207 and 208, Block F, Memorial Heights, (2905 E. Preston Avenue), Mt. Vernon District, Mr. Smith moved to approve the application as applied for. This is on the basis of from 7:00 A.M. to 7:00 P.M., five days a week, for a period of five years, granted to the applicant only. All other provisions of the Ordinance shall be met. Seconded by Mr. Barnes. Carried unanimously.

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11:10 A.M. - WILLIAM C. SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of a garage and bath house 7.5 feet from side property line, Lot 4, Parkview Hills, (6812 Lupine Lane), Dranesville District (RE-1) V258-65 (Providence Journal).

Mr. Smith said he had lived in Parkview Hills since February 1 of last year. He wished to build a two car garage, a portion of which would be used as a bath house. The garage will be located adjacent to the house, detached from the house, and next to the pool, off the side of the present driveway. Due to the topography, the garage cannot be located in any other way on the property. The house was built one year ago and at the time he bought it, it had a two car inside garage which had since been converted into a recreation room. The swimming pool is under construction and almost complete. To put the garage in this location would require a variance of 13.5 feet coming within 7.5 feet of the side line of the property. It might be possible to attach the garage to the house but this would mean relocating the driveway and it would also cut off light to the present rooms of the house.

Mrs. Henderson made several suggestions to which Mr. Smith was not agreeable, as it would mean putting in a new driveway, or leaving his pool out in the open. Were a garage attached to the house, the access would still have to be from the side as he is prohibited by a covenant from having doors facing the street.

Mr. Dan Smith felt that this was un unreasonable covenant.

Mr. Smith said he would prefer to have the garage doors facing the road, and it would mean that the cost of construction would be less.

Per haps the application should be deferred, Mr. Dan Smith suggested, to check on the covenant. Maybe the problem can be alleviated without the need for a variance. There is nothing in the ordinance that prohibits garage doors from facing the street and if this is in a covenant, he said he would certainly question that.

Mr. William Smith said that he was told by the man from whom he bought the house that his deed states that he must get his permission in order to build anything. Mr. Malcolm Smith developed the area. The answer probably is that he would not give his permission to have garage doors facing the street; there is no other house having doors facing the street.

No opposition.

Mr. Smith moved that the application of William C. Smith, application under Section 30-6.6 of the Ordinance, to permit erection of garage and bath house 7.5 feet from side property line, Lot 4, Parkview Hills (6812 Lupine Lane), Dranesville District be deferred for further information, and for decision only. This will be deferred until January 25. Seconded by Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch from 1:00 to 2:00.

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DEFERRED CASES

11:20 A.M. - EUGENE AND CHRISTINE BARLOW, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to beauty shop 21.4 feet from Columbia Pike, Lot 34 and 35, Annandale Subdivision (7232 Columbia Pike), Falls Church District, (C-G) V-238-65.

This was deferred to view the property, and for decision only.

In application of Eugene and Christine Barlow, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to beauty shop 21. 4 feet from Columbia Pke., Lot 34 and 35, Annandale Subdivision (7232 Columbia Pike) Falls Church District, Mr. Yeatman moved to approve the application according to plat of Patton & Kelly, showing addition, and that the applicants provide parking in the rear of the property with a 10 foot access road through the easterly side of the property. All other provisions of the Ordinance shall be met. Seconded by Mr. Barnes. Carried unanimously.

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11:30 A.M. - JOHN A. HOLZMAN, application under Section 30-6.6 of the Ordinance, to permit awning over existing slab 23.5 feet from Street property line, Lot 513, Blck. 15, Section 3, Springfield, (7121 Highland Road), Mason District. (R-10) V-241-65.

Mr. Barnes moved to defer to February 8 to allow the applicants to give proper notification. Section by Mr. Yeatman. Carried unanimously.

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11:40 A.M. - J. R. MITCHELL, application under Section 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store closer to rear property line than allowed, north side of Park Street, approximately 170 feet west of Cedar Lane, Providence District (C-N) V-245-65.

Deferred for revised plats and a letter from 7-Eleven Stores stating that they would build a store without a canopy.

Mr. Ken Saunders represented the applicant and presented revised plats. The basic difference, he explained, is that on the new plats they tried to place the building in a spot that would require less variance. They found that it was impossible to place a building on the property that would not require some kind of variance. The building is a colonial designed building with canopy. Mr. Saunders did not have a verification that 7-Eleven would build without a canopy. The request is made because of the narrowness of the property, he said, and because they dedicated 12 feet to the State in front and this is what caused the problem.

It was all under the same ownership at one time, Mr. Smith said, and whoever sold off the property for the gas stations created the problem.

In the Ordinance it says that if frontage has been acquired by County agencies, Mr. Rust stated, a 20% reduction in front setback can be made.

The dedication was required by the County Subdivision Office so this is acquisition by a County governmental agency, Mrs. Henderson said.

Mr. Smith moved to defer the application until seeing the complete property -- this along with the land proposed for service stations, and get the three proposed uses together to get the entire picture. Seconded by Mr. Barnes. Carried unanimously. Deferred to January 25.

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11:50 A.M. - PAR VEHICLE SERVICES, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of a car rental (Airway Rent-A-Car), property at 5734 Leesburg Pike at Bailey's Cross Roads, Mason District (C-G) S-246-65.

(Deferred for proper notification.)

Mr. Gary Hutchinson represented the applicant. They wish to be allowed to rent or lease automobiles under the franchised name of Airway Rent-A-Car, and this would be operated out of a gasoline station on Leesburg Pike at Bailey's Cross Roads. They propose to utilize the area to the left of the station for the purpose of locating the four vehicles. Par Vehicles is the corporation operating the station.

Mr. Smith said he did not think the Board had authority to allow this use in a gas station, but if so, all the other gasoline stations in the County would be in the same position to ask for a similar permit.

Mr. Yeatman asked if the Use Permit for the gasoline station covered the whole 21,960 square feet of the property.

No, only 13,844 square feet for the service station, Mr. Hutchinson replied.

Mr. Smith suggested deferring the application to allow Mr. Hutchinson time to work out an arrangement whereby he could put up sime kind of small building on the other property next to the station and park his cars there. This would not be allowed to operate out of a gasoline station.

Mr. Hutchinson said there was a 15 foot increase in elevation from the road to this property but perhaps it could be worked out.

Mr. Yeatman moved to defer to February 8. Seconded by Mr. Everest.

Carried unanimously.

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12:00 - NORTHERN VIRGINIA APARTMENT OWNERS ASSOCIATION AND LAFAYETTE ESTATES HOUSING CORPORATION, application under Section 30-1.8.8 and 30-7.2.5.1.4 of the Ordinance to permit erection and operation of a low cost housing project by an eleemosynary or charitable institution, on east side of Holland Road and south side of Accotink Road, Route 626, Mt. Vernon District. (R-12.5) S-222-65

Deferred from December 21 for further study.

Mrs. Henderson referred to a communication from Sheridan & Behm, Associates. She said that the letter from Sheridan & Behm said the administration building would remain the same but the applicants' letter indicates that it would be very different if the number of units were reduced. Also, she said she could not understand why their figures did not agree with those presented by the applicant, on the increase in rentals per month if the number of units were reduced.

Mr. Everest reminded the Board that the Shiver tract was providing 209 low rental units and would start construction within the next six months.

The difference between this and the Shiver proposal, Mr. Yeatman said, is that this is a contained unit with their own recreation facilities, etc. He was not sure what kind of recreation Mr. Shiver proposed.

He will put in a swimming pool and playground area, Mr. Everest said.

Mrs. Henderson read the following letter from the School Board:

"Mrs. L. J. Henderson, Chairman
Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Mrs. Henderson:

The Fairfax County School Board has completed its study of the impact of the proposed low cost housing development on the Harrelson tract. Following is a statement of the unanimous opinion of the School Board on this matter:

"The Fairfax County School Board in the past five years has, with measured step, moved toward a system-wide school organization that would not only completely desegregate the schools, but at the same time best promote equal educational opportunities for all. Among others, the area in and around the Gum Springs community presented one of the most difficult situations. The School Board for this school year moved very positively in this particular area. The School Board's concerted, strong, and unanimous opinion is that the approval of the application for the use permit of the Harrelson tract would move us in the opposite direction.

"From the description of the application it appears that a minimum of 450-500 elementary children would be produced from this proposed housing development requiring a new elementary school building. It is the School Board's opinion that a school composed almost entirely of students with the same socio-economic background would result in negating the School Board's progress and tend to foster resegregation in this area.

"We are greatful to you for having given us the time and ~~that~~ THE opportunity to study this situation. Too, we appreciate the many and complex problems faced by the Board of Zoning Appeals."

Sincerely yours,

/s/ William S. Hoofnagle,
Chairman
Fairfax County School Board"

It does not appear that the School Board has taken all the needs of these children in mind, Mr. Lewis said - they also require decent homes. They did not allow the applicants to present anything with respect to the matter.

Mr. Smith said he had given more thought to this application than to any other since he had been on this Board and after several weeks of analyzing studies, reports, papers, criteria presented by the applicant and other areas of research he had done in connection with this, he was prepared to make a motion. This is probably the best approach to low cost rental units that he had seen anyone come up with and he would make the following motion:

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On the application of the Northern Virginia Apartment Owners Association and Lafayette Estates Housing Corporation, application under Section 30-1.8.8 of the Ordinance and Section 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a low cost housing project by an eleemosynary or charitable institution, on the east side of Holland Road and south side of Accotink Road, Route 626, Mt. Vernon District (R-12.5 zoning), I move that the application be approved under the following conditions:

1. That the applicant be allowed to construct 752 low cost rental housing units as outlined in a previous memorandum, in connection with this application. That the applicant be allowed to construct one hundred (100) one (1) bedroom units, to rent for approximately $55.00 per month; two hundred (200) two (2) bedroom units to rent for approximately $65.00 per month; four hundred (400) three (3) bedroom units to rent for approximately $80.00 per month; and that there by fifty-two (52) four (4) bedroom units to rent for approximately $97.50 per month, for a total of seven hundred fifty-two (752) units.

2. That this application covers 100 plus acres of land, known as the Ellen Parker Harrelson tract.

3. That there be a twenty (20) acre recreational area as outlined in the plat as submitted by the applicant, to be developed by the applicant, on the lower or southern end of the 100 acres.

4. That the aforementioned 752 units be constructed on a fifty acre portion of the land laying between the recreational area and the northern sector of the property; that at the north end of the property 3 acres be set aside for a health center which has been proposed; that a four acre tract be set aside for a proposed satellite center. This is in keeping with discussions with County authorities and the Health Department that an additional twenty-three acres be set aside for any future use that might be deemed necessary in connection with the proposed development. In the interim period this twenty-three acres of land be used for recreational purposes and open space and any other purposes that the LaFayette Estate Housing Corporation might see fit and in the areas set aside for satellite center and Health center made available to appropriate County authorities to utilize upon contractual arrangements with LaFayette Estates Housing Corporation.

5. All buildings connected with this development will set back at least 150 feet off of all property lines; all buildings to be of brick veneer construction.

6. That proper screening be initiated to the southeast or the property line bordering the remainder of the Harrelson property and the subdivision several hundred feet away. These were the people who objected to this development, however, I believe that their objection would have been much less had they gathered the facts about the application.

7. (a) State Roads Numbers 626 and 628 will be improved. (It is understood that this will be done by the State Highway Department in connection with this project, but if not done by the Highway Department, then by the applicants.

   (b) That the proposed Holland Road will be widened to a total of 80 feet wide with a median strip.

8. It is agreed that the storm sewer cost will be approximately $5,000 per acre or a half million dollars for the 100 acres.

9. That the proposed development will have an administration building able to facilitate meetings and this type of thing connected with this development.

10. The applicant will develop within the confines of the development itself eleven play areas to be used by occupants of the proposed development.

11. That the applicant develop the 20 acres aforementioned for recreation as outlined on the plan accompanying the application for this use. This includes a pool and bath house; two baseball fields, tennis courts and other recreational facilities that would make this a very desirable development to be associated with.

    I think it should be pointed out here that the aforementioned drainage costs connected with this development will alleviate a rather undesirable situation; where we have a large open ditch draining the area around the new school. The open ditch cuts across this entire tract; that culverts be put in this area and the ditch be filled in connection with this development.

12. It is understood that in granting this use permit to this eleemosynary or charitable institution that it is done to benefit the citizens of Fairfax County. There is no question about the urgent need for low cost rental housing in the County. The new Housing and Hygiene Ordinance written a few years ago has worked an undue hardship for many of Fairfax County's older residents by virtue of the fact that the houses or homes have been condemned and there is no place to go, and also there is a great need for housing, low cost rental units in connection with many county employees and School Board employees and many other people who live in the County at the present time. In granting this use, it has been recognized that it is to meet the needs of the citizens of Fairfax County and no units shall be rented to anyone with less than a year's prior residence in Fairfax County, except in the case where homes are being condemned by the Health Department. In all probability, there will be no case where the person has lived in the County for less than a year; this priority to be given first to the people who are being displaced from their homes due to the new Housing Code; second, that special preference be given to Fairfax County employees in all its phases, School Board, Sanitation, and Public Works, or any other means of County Government. Thirdly, Highway and State employees residing within the County who need the housing of this development, for widows, pensioners, widows with children, widowers with children, people who are referred to the Lafayette Housing Corporation from the Welfare Department who can qualify for the at least one year residency within the County, and enlisted military personnel and all other people living in the County who would normally be classified in the low income group in this high cost living area. The maximum income provisions in connection with this development should remain with the County Health and Welfare Board and the Board of Trustees in the Lafayette Estates Housing Corporation. Keeping in mind the health, safety, morals and general welfare of the public is the basis for the enactment of zoning laws for which this Board was created.

13. In connection with the occupancy of this development, occupancy of the units shall be restricted in the following classifications: In one bedroom units there be no children; all other units are to have no more than two children per bedroom, other than the bedroom for the head of the house, except that if children are over six years of age and of opposite sex, sexes are not to be mixed in the same bedroom.

14. That the development of this project be constructed as fast as the needs (constructed to meet the needs of displaced people) and others mentioned previously in this motion, that they not be limited to any set number over a period of one year or two years, but be developed as fast as possible to meet the immediate needs of the citizens of Fairfax County.

15. It is understood that the developer is to construct and complete the recreational center by the time he had completed 400 units.

16. The construction of the administration building is to progress so as to be in operation with the completion of the first phase of the project, which means that it should be completed in the early stages so that it can be utilized by the first occupants of the development.

17. All construction is to conform to all Fairfax County Building and Construction Codes, as well as other codes that pertain to this particular section of the Federal Housing Administration's Code.

18. The project is to be constructed as a non-profit project under the Federal Housing Section 221D3 Rules and Regulations or any regulations promulgated by the Housing and Urban Development Action of 1965. A copy approved by FHA is to be inserted in the files upon receipt by the proper authorities.

19. Nothing in these restrictions shall be construed to bar the construction of the project under the FHA 221D3 program but not be built without FHA approval.

20. The developer is to coordinate all activities with the Director of Public Health of Fairfax County.

21. Rent schedules are to be established by FHA as the maximum and to be adjusted downward when possible. FHA Rule 221.531 (2)(c) shall apply.

22. Developer to take advantage of every available grant of Federal program to reduce rents on the project.

23. It is understood that in granting this eleemosynary permit to this charitable group, that this real estate and improvements will remain on the tax rolls of Fairfax County. This should not be construed as to have any bearing on the non-profit organization as to State and Federal income taxes, but in no case should the property be allowed to be withdrawn, and it is understood that if this Use Permit is granted on this 100 acres of ground that the land and the improvements thereon will remain on the tax rolls of Fairfax County.

24. The Northern Virginia Apartment Owners Association and Lafayette Estates Housing Corporation in accepting the use permit under the conditions outlined thereby agree to all the provisions.

I have outlined generally the conditions under which I feel that the use could be granted. No one has questioned the need for low rental housing units. If the Board sees fit to grant this motion, and I hope that every member of the Board will recognize the need and the suitability of the location and vote for the motion, I think there should be some specifics in connection with it that we should talk about, and in approving it, should agree that the conditions in granting use permits, in general, have been met by the applicant and have been exceeded in many cases, that the Board should find that the use will not be detrimental to the character and development of the adjacent land and would be in harmony with the purposes of the Comprehensive Plan of Land Use in Fairfax County embodied in Chapter 30, under Article 7.30-7 in connection with uses in the R Districts.

The heights of the buildings are in conformity with the heights that are allowed in the R Districts and more specifically R District in this proposed development. With the road improvements, street improvements, and drainage improvements, the proposed use will entail that the development within this size and use and major intensity of the operation are conducted in connection with the layout of streets giving access would be in conformity with the general ordinances in connection with this type of use.

There has been a lot said about the school situation. I would like to point out that this use is proposed for the residents of Fairfax County, that the children involved are at present or will be some time in the future, occupants of schools somewhere in Fairfax County, whether it be in this particular area or in some other area. As has been pointed out by the Health Officer, this number of units is needed now in connection with the needs of the Mount Vernon and Lee Districts. Therefore, should there be an increase in the school population over and above that number planned for previously, it will certainly not work any great hardship on the School Board to provide these facilities for the additional youngsters.

This overwhelmingly meets the criteria laid down by the Board of Supervisors in connection with this type of development, it conforms to the language adopted by the Supervisors on July 15, 1964 on this type of use, and it conforms to the County Land Use Policy, that the occupants should be within one half mile from the periphery as defined on the Master Plan, major community business district and can be compatible therewith.

This facility and its creation have a convenience, being attractive and harmonious to the community and will be compatible with surrounding development. There are many apartment developments in the areas nearby. This sets on a 100 acre tract of land divided on all sides from surrounding developments by roadways, and the nearest subdivision to the proposed development would be several hundred feet to the south or southeast of the proposed project.

The density involved here is in keeping with the language in the section under which this use is granted and the land coverage is far less than allowed in the Ordinance, that the existing facilities are available; water and sewer are both available, and the developer intends not only to develop the storm and drainage system within the confines of this development, but also to make a considerable constribution to the outside drainage problems that exist in the general area. This could very well be as much as $200,000. Of course this in furn would help all the citizens in this particular area and will expedite the draining of this entire community which we know has been a bad situation. It has been pointed out previously that after the roads and streets are developed in conformity with this use, it will reduce the congestion on the public streets and will expedite and help facilitate the overall movement of traffic, both by passenger cars and any other means of travel that might be generally wanted by the developer. The applicant's tract

is reasonably accessible to Highway Number #1 and as we are all aware the Virginia Department of Highways in in the process of further widening Number #1. This not only meets the other qualifications of criteria that was the language adopted by the Board of Supervisors on July 15, 1964 for this type of development but also exceeds it in many areas.

Again, I would like to point out that there has been a great need for a number of years for low cost rental units in Fairfax County to serve the Fairfax County citizens. There has been much talk about alleviating the problem or at least some form of attack but as of today there has been no other attempt to make provisions to provide adequate low cost rental units for our citizens.

I, for this reason, feel that in approving this application, we are doing a great service to the citizens of Fairfax County and in turn alleviating one of the problems that now face the Health and Welfare people in the County, alleviating many hardships among our residents. Many of them have lived here all of their lives, many are very loyal in qualities, both to the School Board, the County Government and the State Highway Department.

I would say that this proposal before the Board at this time has great merit. It appears to me, after much study, that we now are in a position to provide low rental units in this County for its residents. The means of its treatment in a very unique way, a way that the Board of Supervisors saw fit to endorse in principle back in July 28, 1965 and I believe that I am correct in stating that the endorsers in principle made a motion that be supported by the Board. This unique application where friends and neighbors joined with the Federal Government to provide this needed housing for Fairfax County's citizens. This is the principle in which this country was founded, that we as neighbors and friends help those people to help themselves. We have a situation here where development is being done by private enterprise, which is certainly the most desirable method of handling this need with the aid of certain provisions under the Federal Housing Code of 1965. This is a means of providing low cost rental housing for Fairfax County citizens. This, I think, is another unique feature of this proposal. I would go so far as to say that this proposal before this Board today very well could become a model in many communities in this great land of ours in the future. It seems to me that this is the best possible approach to this type of problem whereby the land owners and the people such as the Northern Virginia Apartment Owners Association with all their know-how can develop and manage this type of facility and are in a position to do it in a far more efficient manner than any other group of people that are assembled for this purpose. They have the managers; they have the architects; the know-how, and all they are doing is asking us to provide the tools whereby they can serve this community and our citizens and I say to you, we should provide these tools, that they might get on with the job of providing low cost housing for the citizens of Fairfax County.'

Mr. Barnes seconded the motion.

Mr. Yeatman praised Mr. Smith for the fine work he had done in writing up the motion; it is a fine piece of work and a wonderful step forward in housing for Fairfax County.

Mr. Everest said he felt that the project did not meet the criteria set aside in the Ordinance because of the density of the project. The density makes it incompatible with the area and present land use. He would be compelled to vote against it.

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Mrs. Henderson said she respected Mr. Smith's motion but would disagree that this conforms to or to specific requirements for use permits in R Districts garden apartment criteria adopted by the Board of Supervisors. It is certainly not a half mile from the master planned major planned community business district. Because of the density, it would not be harmonious to the surrounding neighborhood. This requires that the applicant shall present evidence that school facilities can be reasonably expected to be provided. The School Board has said the contrary. It has reasonable access to Route 1 but in the criteria it says this should be through a highway developed or programmed-to-be developed by the Highway Department in its current five year construction program. The exit to U. S. #1 would be Route #626 which has only $3,000 allocated for survey; it is not in the five year construction program at all. Another point in the density is the fact that the Board of Supervisors voted against higher density on this project before and this particular application has never been before the Supervisors. This Board in granting the application would be changing the land use character without rezoning. No one has denied the need for this type of housing in the County, but this type of housing should be scattered throughout the County. She said she had no objection to some of the housing being in this location.

Mr. Smith said the Hybla Valley Shopping Center was within what he judged to be reasonable distance. It is planned, and the criteria says "defined in the master plan" so he feels it meets this requirement.

Voting in favor: Messrs. Barnes, Yeatman and Smith.
Those opposed: Mrs. Henderson and Mr. Everest.

Motion carried.

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Mr. Rust presented copies of final agreements between the Park Authority and Radio Station WPIK. These were acceptable to the Board.

Mr. Rust presented a question regarding developing industrial land next to property owned by the Federal Government at Ft. Belvoir. Part of Ft. Belvoir is residential and part industrial; the part next to this land is vacant and is used for maneuvers. Probably they would require setback in accordance with what the use of the adjoining land will be, Mr. Rust said. They have not yet discussed this with anyone at Ft. Belvoir. The property at Ft. Belvoir is not in any zone but if they plan apartment projects for their personnel, for example, it is considered as residential.

The Board agreed that Mr. Rust should contact Ft. Belvoir on this matter. Mr. Smith said he would like to see their concurrence.

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Mr. Rust brought up another question regarding the Olmi tract on Route 1 - high rise apartment buildings in C-G zoning. The Board agreed with Mr. Rust's interpretation of the Ordinance on this question.

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Mr. Woodson introduced Mr. Beall, representing Mr. & Mrs. Willie Jenkins who wished to have an upholstery shop in their gasoline service station. The station is located at Seminary Road and Schoville Streets at Bailey's Cross Roads. All service stations sell seat covers, Mr. Beall said, and the only difference there would be that Mr. Jenkins would measure the seats and the seat covers would be custom made. He considered this an accessory use which would be permitted by the Ordinance.

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Mr. Smith said he considered that cutting and sewing of seat covers would amount to manufacturing and this would not be allowed.

After much discussion the Board agreed that this would not be permitted.

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The meeting adjourned at 4:35 P.M.

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Minutes taken by Mrs. Betty Haines

Mary K. Henderson Chairman

January 27, 1966 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, January 25, 1966, in the Board Room of the Fairfax County Courthouse. Mrs. L. J. Henderson, Jr., Chairman, presided. Mr. Barnes was absent.

The meeting was opened with a prayer by Mr. Smith.

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10:00 A.M. - MARTIN E. MORRIS, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 25 feet from Fleetwood Road, Lots 26, 27 and 28, Block D, Beverly Manor, Dranesville District (C-D) V-272-65.

Mr. John T. Hazel, Jr. represented the applicant. He stated that Judge Morris wishes to construct a law office on the site. They are asking a variance on the setback from Fleetwood Road. There are three lots involved, each 25 feet by 125 feet, and Lot 25 is under lease for parking purposes. The proposed office building will be a two story structure with Judge Morris' office on the first floor.

Mr. Hazel presented a letter from the adjoining neighbor, owners of six lots, stating that he, Mr. Curtis T. Martin, had no objection to the application.

In order to carry out reasonable development of this corner, Mr. Hazel continued, if the building is allowed, Mr. Morris will acquire lot 28; he would also, as part of the improvement in the construction of his building, improve the street along Fleetwood Drive. Some slight dedication would be required and curb, gutter and street widening would be done there. This request meets the hardship requirements, due to the irregular shape of the parcel, through no fault of the applicant. The use that is intended would be a very fitting use for the neighborhood.

The area in Lot 28, except for three or four parking spaces on the front, would remain in open space and would be a landscaped area. Mr. Hazel presented renderings of the proposed building along with the floor plan.

The County requires them to have 22 parking spaces, Mr. Morris explained, and they have made the following arrangements on Lot 25 -- He has taken a forty year lease on the property, from the bowling alley, to use those parking spaces during the day, and the bowling alley can use it for excess parking after 8:00 P.M. Mr. Morris said he was able to acquire one lot from Mr. Rinehart and one from the bowling alley, but was unable to acquire any more property because the bowling alley needs this lot occasionally for parking. They would have access from Old Chain Bridge Road and through the bowling alley parking lot. There would be no entrance from Fleetwood or from Old Chain Bridge Road in front.

The owner of the McLean Professional Building spoke in favor of the application.

There was no opposition.

Mr. Morris said there was only one residence across from this on Fleetwood Drive and that is included in the Plan for C-O zoning.

MR. Everest moved to defer decision to February 8 in order to view the property. Mr. Yeatman seconded the motion. Mr. Everest said that his main concern was in setting a precedent for future development along Fleetwood Road. Motion carried unanimously (4-0).

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January 25,1966

10:10 A.M. - GULF OIL CORPORATION, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, property at N. W. corner of Patrick Street and Park Street, Providence District (C-N) S-262-65.

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Mr. Dick Hobson represented the applicant. He stated that there is no variance requested in the application. The application is for a service station of colonial design; there is an application for a 7-Eleven Store and another gasoline station on adjacent property. Patrick Street is cut through but is not yet constructed. He presented a site plan showing the location of the screening along the residential property in the rear and a future ramp and future pumps to be put in when Patrick Street is paved.

Mr. Hobson introduced Mr. James Fisher, District Manager of Gulf Oil and Mr. Robert Morris, Traffic Engineer.

Mr. Fisher stated that Gulf was looking forward to erecting a service station in this location to fill an existing need and provide a service to the surrounding community. The service station would be designed to serve traffic in the area and would not generate additional traffic or create a traffic hazard. They would provide maximum visibility, and a spacious entrance.

Mr. Fisher said he had been with Gulf for twenty years, and in this area for one and a half years. He is responsible for 36 service stations in Fairfax County. The service station would not hinder development of adjacent property or impair the value thereof. The building would be erected 50 feet from the rear property line, with a stockade fence and shrubbery separating the service station lot from the lot in the rear. The exterior lighting fixtures would be designed and placed so as to direct light to the service station with a minimum of spillage onto the surrounding area; noise would be at a minimum. They would not operate as a repair garage or a body shop. The nearest gasoline station is the new Esso at Cedar Lane and Lee Highway, approximately one and one fourth miles away.

Mr. Robert Morris submitted a written report on the traffic study which he had made for Gulf: (on file with the records of this case). Mr. Morris' report concluded that on considering the capacity of the streets, sight distance, turning points and pedestrian traffic, the service station would not be a hazard and would not adversely affect the traffic operations.

OPPOSITION:

Mr. Tom Molin, President of Cedar Lane P.T.A., and one of the members of the original team opposing the request for rezoning on this property, reviewed the background of the rezoning. He pointed out that this is in a highly congested school area and some consideration should be given to the safety of the youngsters attending these schools. They have had enormous problems resulting from the shopping center (in Vienna) which was granted on the opposite corner. At present they are working to get a stop light at this intersection. Service stations, in he opinion, were incompatible with the area.

A service station in this location would be an additional safety hazard. Mr. Molin said his remarks were aimed at gas stations in general.

Mr. Smith said it was evident to him that these proposed gas stations are to serve the people moving to the area. He was also aware of the fact that gasoline stations on corners do not create a hazard. Because of the lighting situation in the early evening and at night, it has been said to improve safety conditions by more light and more visibility. He said he knew of no case where a school child had been disabled because of a service station entrance.

Mrs. Henderson read the following letter from Mayor Martinelli of Vienna, pertaining to this tract of land and also the 7-Eleven and Mobil Oil tracts:

"Board of Zoning Appeals
Fairfax County Court House
Fairfax, Virginia

January 19, 1966

Mrs. Henderson and Gentlemen:

The Vienna Town Council, at its regular meeting of January 17, 1966, went on record as opposing the use of the recently rezoned tract of land at Cedar Lane and Park Street for the purpose of constructing a service station. One objection was that it was recently zoned for a specific use and a change in the use is being sought other than that which was originally intended.

"The Town Council respectfully points out that it opposed the original request for rezoning because of its being across from Thoreau Intermediate School and in the proximity of Cedar Lane Elementary School. The Town Council also recognizes that in granting rezoning, the Board of Supervisors was aware of commercial and apartment uses within the Town limits, and while not wanting to absolve actions of past Councils, the present members of Council do not agree with this zoning within the Town.

"The fact that it is there, however, shouldn't be reason to compound additional problems, and it was for this reason that the Council opposed the recent rezoning.

"If in the wisdom and prerogatives of the Board of Zoning Appeals a Use Permit for a gasoline station is granted, the Council points out that there is a dangerous rise in the road in this area. Since construction will probably require widening, the Town Council requests that every effort be made to incorporate construction requirements to reduce this rise.

"With appreciation for your consideration, I remain

Sincerely yours,

/s/ James C. Martinelli, Mayor"

In the application of Gulf Oil Corporation, application under Section 30-7.2.10.2.2 of the Ordinance to permit erection and operation of a service station, property located at the northwest corner of Patrick Street and Park Street, Providence District, Mr. Smith moved that the application be approved as applied for, for a three-bay colonial type service station; for service station use only. Other provisions of the Ordinance to be met. Seconded by Mr. Yeatman. Carried unanimously (4-0).

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10:20 A.M. - DANIEL W. TAYLOR, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 17 feet from the rear property line, Lot 11, Montour Heights, (6727 Montour Drive), Dranesville District (RE-1) V-263-65.

Mr. Taylor said he was seeking a variance on the rear lot line for the purpose of adding a garage adjoining the house on the rear. The houses in this area are all on the rear half of their lots and there is no room to add a garage on the property unless it is adjoining the house. Along the rear line, it was heavily planted. The adjoining neighbors have told him that they do not object to the request. The garage would be harmonious with the house and in good taste architecturally. There is a driveway up the side of the property near

Lot 12, running up from the road. The houses were probably set on the rear half of the lots because at the time the septic fields were located in front. They now have sewer.

Mrs. Henderson suggested putting the garage in the front, however, Mr. Taylor felt this would not be in keeping with the other houses in the area.

No opposition.

Mr. Smith moved to defer decision until February 8 so that the Board might view the property. Seconded by Mr. Yeatman. Carried unanimously.

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10:30 A.M. - SIBARCO STATIONS, INC., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, premises located on northwesterly side of Route 235, approximately 742 feet from the intersection of Old Mt. Vernon Road and #1 Highway, Mt. Vernon District (C-N) S-264-65.

Mr. Hansbarger represented the applicant. The application should be amended as there is no variance needed in this case, he explained. This will be a colonial designed building; the residential property to the west is screened by a row of cedars. This will be a two bay colonial designed building.

No opposition.

In the application of Sibarco Stations, Inc., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, property on northwesterly side of Route 235, approximately 742 feet from intersection of Old Mt. Vernon Road and #1 Highway, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for, meeting all setback requirements of the Ordinance, for a two bay colonial type service station. All other provisions of the Ordinance to be met. Seconded by Mr. Everest and carried unanimously (4-0). Mr. Smith included in the motion that this is granted for service station use only.

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10:40 A.M. - MICHAEL DOMINICK, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 13.7 feet from side property line, Lot 34, Section 2, Shirley Acres (9509 - 4th Place), Lee District. (RE-1) V-265-65.

Mr. Jim Ganey of Steel Crest Homes represented the applicant. He stated that Mr. Dominick is the buyer and Steel Crest holds the first trust; however, Mr. Dominick has been drafted into military service and is out of the area at the present time. Mr. Ganey stated that he located the house, and when he applied for the permit he was told that he would have to have a setback on the side yard of 15 feet. The lot is 100 feet wide and the house is 40 feet long. When it was time to construct the house, Mr. Dominick asked to have the house moved over so he could add a breezeway and a garage, so thinking that 15 feet was all they needed to the side yard, he moved the house.

Mrs. Henderson noted that proper notification had not been given in this case; the notices were signed six days before, and the requirement is ten days.

Mr. Smith said he would like to see a letter from Mr. Dominick giving Mr. Ganey authority to act in his behalf as there has been no indication that Mr. Dominick has participated in any way in the application.

Mr. Yeatman moved to defer the application for proper notification with the further stipulation that Mr. Ganey get a letter of authorization from Mr. Dominick and state how the house got placed in this position on the lot after having first applied for a building permit indicating 30 feet from the adjoining property line and then placing the building 13.7 feet from the property line without changing the application to so read. Seconded by Mr. Smith. Deferred to February 15. Carried unanimously (4-0).

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10:50 A.M. - MOBIL OIL COMPANY, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, property at the northwest corner of Cedar Road and Park Street, Providence District. (C-N) S-266-65.

Mr. John T. Hazel, Jr., represented the applicant. He stated that no variances were being requested and that this is for service station use only. He located the property involved in the application and pointed out the location of the Gulf Oil and Seven-Eleven Store adjoining. The closest other filling station, excluding the proposed Gulf Station, is 1 and one-half miles south on Cedar Lane and 29-211. They propose to erect a three bay colonial type station; materials will be light pink brick with dark composition roof. The gables will be frame. He showed a copy of the site plan proposing screening and a fence along the adjacent residential to the north and northwest. Mr. Hazel said this site was one of the largest for a service station that he had seen in some time, containing 36,150 square feet, located at the top of a hill, coming up Park Street to Cedar Lane. Mr. Hazel discussed the grade which he said would be held the same as that of the shopping center across the street, and would improve the present situation. Also, Park Street would be widened one additional lane and on Cedar Lane, two additional lanes would be added. This would do much to improve sight distance in this location. A sidewalk will be built around the corner and this will allow the school children to walk off the street instead of in the gutter as they have to do now. This station would not generate traffic but would serve the traffic that now exists. They estimate that 95% of the traffic is local residential traffic and the remaining 5% is commercial traffic serving the shopping center. The illumination of this station at night will improve the corner and will not create any impact on adjoining residences. They will screen in compliance with County requirements and with the building located the proposed distance from the rear property line, this will eliminate an impact on the residences there.

Mr. Griffits from Mobil discussed the ingress and egress easements now on the property.

OPPOSITION:

Mrs. Henderson noted the letter from Mayor Martinelli of Vienna, which was read on the Gulf application and which also applies to this application. Letter on file in the Zoning Office.

In the application of Mobil Oil Company, application under Section 30-7.2.10.2.2 of the Ordinance to permit erection and operation of service station, property at northwest corner of Cedar Lane and Park Street, Providence District, Mr. Smith moved to approve the application as applied for, for three bay colonial type station. All other provisions of the Ordinance to be met. Granted for service station use only. Seconded by Mr. Yeatman. Carried unanimously.

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11:00 A.M. - G. J. INGUAGIATO, application under Section 30-6.6 of the Ordinance, to permit erection of an addition 45 feet from front property line, Lot 23, Walter Woods, (3400 Grace Hill Terrace), Mason District (RE-0.5) V-267-65.

Mrs. Inguagiato stated that they wish to add onto the present family room which is now a small room.

Mr. Yeatman said he had looked at the property, and since the property across the street in in R-17 zoning, he did not see how this use would harm anyone.

Mr. Masters, owner of Lot 24, said he was not speaking for or against the application, but there is a drainage problem on his property and he did not wish to have it increased. He asked to be assured that the Inguagiatos would provide proper drainage if the application is approved.

Mr. Masters said he was also concerned that the addition might be used by the doctor as an office or a clinic and such an activity next door to him would create additional traffic, parking problems, etc.

The office is permitted by right, Mrs. Henderson said, as long as this remains a physician's dwelling.

In the application of G. J. Inguagiato, application under Section 30-6.6 of the Ordinance to permit erection of an addition 45 feet from front property line, Lot 23, Walter Woods, (3400 Grace Hill Terrace) Mason District, Mr. Smith moved that the application be approved as applied for due to the irregular shape of the lot and the unusual circumstances here, one being the fact that this is a corner lot. There has been no indication that this would adversely affect adjoining property owners and any drainage that this addition would bring must be directed in a manner that it would not flow over any adjoining property. All other provisions of the Ordinance to be met. Seconded by Mr. Yeatman. Carried unanimously (4-0).

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11:10 A.M. - PRICE AND COMPANY, application under Section 30-6.6 of the Ordinance, to permit dwellings closer to side lines than allowed by the Ordinance, Lots 7, 8 and 9, Block A, Collingwood Manor, (on Gladstone Place), Mt. Vernon District (RE-0.5) V-268-65.

Mr. Bernard Price stated that he is a professional builder and wishes to build two houses on the three lots. There is a house under construction to the left, and a completed occupied house on the right. This is an old 1939 subdivision. Across the Street houses were built on single lots with 7 feet side lines, but a lot of the houses are built on two lots. These are very small lots.

Mrs. W. A. Stein, present owner of the property, stated that she tried to acquire adjacent property so that they would have more land for the two houses but was unable to acquire it. They were also required to donate land for a drainage easement to improve the entire block. This was an easement that was granted without fee. Mrs. Stein said they could put up three pre-fab inexpensive houses on the property but this would not conform to the neighborhood so they would like to put up two better houses on the three lots. These would be $40,000 houses; the average house in the neighborhood is about $35,000.

OPPOSITION:

Mr. Joe Vaughn, owner of Lots 5 and 6, said he was not at this point speaking in opposition as he would like to see something built on these lots which would pretty well fill out the street; however, he wished to be assured that the houses that would be built would be comparable to those in the neighborhood to protect property values. His own house is a two story colonial containing 2,200 square feet of living space,

and Mr. Price said his houses would contain 1,600 square feet. The easement that was granted on one side of these lots would knock off about 8 feet on the side and he was concerned that Mr. Price did not place both houses right up to his lot. Mr. Goddish has a building permit for a house on Lots 10 and 11 and the house is now under construction.

Mr. Vaughn said 5 feet of the drainage ditch is on his property and the building inspector would not allow him to have a carport.

Mrs. Henderson said that under the Ordinance, Mr. Vaughn could come within 15 feet of Lot 9 and could have a 13 foot garage or an 18 foot carport.

Mrs. Schultz spoke regarding Mrs. Stein's statement that she could put up three small houses on the three lots and said that only the original owner could build on a 50 foot lot. In September, 1961, Davis and Loughry asked for the same sort of division on property within a short distance of this and they were denied; four of the neighbors also made application and they, too, were denied. Mrs. Schultz said she did not think it out of order to construct one house on the 150 feet. There is 150 feet of undeveloped property on Gladstone and if this application is granted, it would be setting a precedent for others in the area; not before this case has anyone been allowed to build on less than 100 feet.

Mr. Thomas said that if a 50 foot lot is sold, no one could build on it; only the original owner could build.

There is no County regulation that says this, Mrs. Henderson stated. According to County regulations, if this were the only lot left and completely landlocked with no way to develop it, not granting ~~it~~ a VARIANCE would amount to confiscation of the land.

Mr. H. Thomas said he would like to see the land developed but would hate to see two small houses put on 150 feet. It would depreciate property values in the area. He owns Lots 4 and 5, Block B.

The County cannot require someone to build on three lots, Mr. Smith said. They could build, but it is not economically feasible and he did not believe that any builder or land owner would attempt to build a house on all three of the lots. Mr. Smith said he would like to see the lots and the area, and to do some research on the application to be sure that the Board has jurisdiction in this case and to establish some other facts. He moved to defer to February 15 for decision only. Seconded by Mr. Yeatman. Carried unanimously (4-0).

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11:20 A.M. - THREE FRONTIERS, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of a miniature western frontier town -- commercial recreational establishment, on north side of Routes 29-211 adjacent to Hunter's Lodge, Centreville District (RE-1) S-271-65.

Mrs. Henderson noted a letter from Hiss & Rutledge, Attorneys, requesting deferral because they had not had time to give proper notification.

Mr. Everest moved to defer to February 15; seconded by Mr. Smith and carried unanimously (4-0).

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DEFERRED CASES

11:30 A.M. - MARVIN CHENEVERT, application under Section 30-6.6 of the Ordinance, to permit tool shed to remain 9.1 feet from side property line, Lot 144, Section 1, Stonewall Manor, (8409 Manassas Circle), Providence District (R-12.5) V-251-65.

Mrs. Henderson stated that she had looked at the property which is in a new subdivision, with practically no carports. The tool shed would have to be pushed back and made to conform. There is no provision in the Ordinance to grant this, and it is not too difficult to correct.

In the application of Marvin Chenevert, application under Section 30-6.6 of the Ordinance, to permit tool shed to remain 9.1 feet from side property line, Lot 144, Section 1, Stonewall Manor (8409 Manassas Circle), Providence District, Mr. Yeatman moved that the application be denied and that the shed be removed by 5:00 P.M., May 26, 1966 and comply with the Ordinance. Seconded by Mr. Smith. All voted in favor except Mr. Everest who voted against the motion. (3-1)

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11:40 A.M. - KATZEN AND GIBSON, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 20 feet from side line and 50 feet from rear line; and permit erection of an office building 70 feet from rear line; on west side of Route 613, Lee District (I-P.) V-254-65.

Mr. Spence, representing the applicant, introduced Mr. Temples, architech. Mr. Smith said he felt the application should be given every consideration and merits favorable action by the Board. He realized that this is a considerable variance, but again, the size of the property should be considered and the fact that it is in an industrial area adjoining a gravel removal area. The adjoining area might very well be in a similar classification at a later date, especially if this is allowed to be constructed. This is an excellent location for this type of business and very compatible with the area. McDonalds has several stores in Fairfax County, and he wassure that any jurisdiction in and around Washington would be happy to have them for tenants.

The Capital Fleet property on the original staff presentation of the industrial plan was shown as industrial, Mrs. Henderson noted, and when the Plan came before the Board of Supervisors, it was taken off. Was there some reason for this?

Mr. Rust said he did not know why it had been removed from the Industrial Plan.

Mrs. Henderson asked the architect why the Plan could not be changed to have the warehouse next to the railroad track and the administration building somewhere else, and eventually there might be a railroad spur on three sides.

There is not enough room on that side to put the size warehouse they need, Mr. Gibson explained. They have two others going in as soon as they get sewer. They will put in a bakery and a meat plant.

Mr. Everest said the lot has a peculiar shape, and in order to develop the land and make it economically feasible, this is the only way to lay out this narrow strip of land.

They only need about 40% of the space on the railroad siding, Mr. Gibson said; the rest did not have to have the railroad. It would be serviced by trucks.

In the application of Katzen & Gibson, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 20 feet from side line and 50 feet from rear line; and permit erection of office building 70 feet from rear line, west side of Route #635, approximately 300 feet north of Beulah Road, Route 613, Lee District, Mr. Everest moved to approve the application as applied for because of the unusual shape of the land and due to the fact that the future zoning of the adjacent land will probably also be industrial. All other provisions of the Ordinance shall be met. Seconded by Mr. Yeatman. Carried unanimously (4-0).

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11:50 A.M. - WILLIAM C. SMITH, application under Section 30-6.6 of the Ordinance to permit erection of a garage and bath house 7.5 feet from side property line, Lot 4, Parkview Hills (6812 Lupine Lane), Dranesville District. (RE-1) V-258-65.

Mr. Edward Gasson represented the applicant and explained that there are restrictive covenants in the subdivision which prevent garage doors from facing the street. He presented a letter from Mr. Malcolm Smith, developer of the subdivision, stating that Section 4 provides that plans, specifications and site plans, etc. shall be submitted to Mr. Smith for his approval prior to commencement of construction.

Mr. Dan Smith said he wondered if the restriction were a valid one. What would happen if Mr. MAlcolm Smith passed away? Who would approve this?

Mrs. Henderson said that Mr. William Smith has room to put a garage with doors facing the street under the terms of the Ordinance.

He has a right to reasonable use of his land, Mr. Dan Smith agreed, and if this is an unreasonable restriction that the builder has placed upon him, he did not believe the courts would uphold the restriction. This Board cannot grant a variance based on a covenant and it appears that the only decision they can make is that the applicant has an alternate location, and point it out to him.

If the covenent states that garage doors cannot face the street; this would be different, Mrs. Henderson said, ~~Mr.~~ BUT this is Mr. Malcolm Smith's whim and not a recorded restriction.

This is quite a common covenant, Mr. Gasson said, the builder or architect or owners retain the power to determine the development in order that development shall be uniform. This is a valid covenant, he said, and he could not see the distinction which Mrs. Henderson makes. When you give someone the power to set up the policy it is the same as if it is in the subdivision COVENANT originally.

Mr. Smith said he felt that this was an unreasonable restriction; Mr. William Smith has a sufficient amount of land to construct a garage within the Ordinance, and asks this Board to render a variance because of a covenant.

Mr. Everest moved that the application of William C. Smith be approved as applied for due to the unusual circumstances surrounding this case brought out in the previous testimony. Seconded by Mr. Yeatman.

Mr. Smith and Mrs. Henderson voted against the motion as there is an alternate location for the garage - it seems the only question is regarding the restriction that garage doors cannot face the street and this Board has no power to grant a variance due to covenants.

Mr. Everest and Mr. Yeatman voted in favor of the motion. Tie vote will be broken on February 8 when a full Board is present.

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12:05 P.M. - J. R. MITCHELL, application under Section 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store closer to rear property line than allowed, north side of Park Street, approximately 170 feet west of Cedar Lane, Providence District (C-N) V-245-65.

No one was present to represent the applicant. Mrs. Henderson said she thought the question had been resolved. They will move the building over and meet the setbacks.

In the application of J. R. Mitchell, application under Section 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store closer to rear property line than allowed, north side of Park Street, approximately 170 feet west of Cedar Lane, Providence District, Mr. Smith moved to deny the application. Seconded by Mr. Everest. Carried unanimously (4-0).

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Mr. Leary and the Board discussed the emergency amendment adopted by the Board of Supervisors regarding eleemosynary institutions. This was for discussion only, no formal action was necessary.

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The City of Falls Church sent a letter requesting an extension of their permit for a water storage tank at Dunn Loring - the facility is still in the planning stage.

Mr. Smith moved to grant the request and extend the permit for one year. Seconded by Mr. Yeatman. Carried unanimously (4-0).

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Ilda Community Recreation Association - The Association requested permission to change their chartered membership from 400 to 500 families and maintain 134 parking spaces provided for under the existing site plan. Their peak parking for three days was sixty cars, with 400 family membership and 134 parking spaces.

The Board agreed to take this matter under advisement and would invite the applicants to come in at the end of any meeting to discuss this.

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Messrs. Norris and Kaufman presented several problems to the Board regarding apartments being constructed in RM-2M zoning.

In the past these problems have been brought to the Planning Staff and the Staff presents them to the Board, Mr. Everest said, and that would be the only way he would be willing to consider them.

Mr. Yeatman moved that the problems be brought to the Planning Staff's attention and they can make a detailed study to present to the Board at an informal hearing at the next meeting. Seconded by Mr. Everest. Carried unanimously (4-0).

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Mr. Smith read the following statement into the record:

DAN SMITH ANSWERS THE COUNTY BOARD

FOR IMMEDIATE RELEASE

"Mr. Dan Smith, vice-chairman of the board of zoning appeals of Fairfax County, made a reply to the actions of the board of supervisors as follows:

"The action of the Board of Supervisors on Wednesday of last week, clearly indicates the board is not interested in providing low cost housing for the citizens of Fairfax County. Their action first upon a statement submitted by Mrs. Flora Crater through Mr. John Parrish of the Board of Supervisors in connection with the application of the Lafayette Estates Housing Corporation, Mrs. Crater, being one of the political figures of Fairfax County has apparently been doing only lip service to the citizens, for the past year. Mrs. Crater has been very active in the proposal that was formally brought to the referendum a couple of months ago. Calling for the activation of the housing and redevelopment authority in Fairfax County.

"Now, in the meantime, there has come about a plan through the Northern Virginia Apartment Owners Association as sponsor and the Lafayette Estates Housing Corporation, organization made up of local people, with local interests in Fairfax County, to give of their time, their effort, their knowledge, their resources, and working under the Federal Housing Program provide low rental housing for citizens of Fairfax County in a fast efficient economical manner.

"One wonders why Mrs. Crater would interject herself into the issue at this point solely and apparently to destroy not only this particular project but jeopardize or certainly delay the County's chances on low cost housing. As I read the statement of Mrs. Crater, it seems her only concern is for the activation of the housing and redevelopment authority solely for the purpose of the political appointees involved. There seems to be a complete disregard for the needs of our citizens, I have heard no mention by Mrs. Crater or the board of the needs we heard so much about a few months ago.

"The proposal that the Board of Zoning Appeals acted upon was a legal application, properly before the Board, after listening to the testimony by both the applicant and the opposition. The opposition, as we who supported the motion saw it was in the field of schools and roads and in further investigation of these two factors, proved, really without a doubt, that neither were real problems. The proposal as presented and the motion outlined in the granting of this use permit clearly sets forth theroad improvements on three (3) sides of this proposed complex. As to schools, there is a new intermediate school across the road from the proposed project. The existing plan provides for approximately 380 additional youngsters. If there is a need for an additional elementary school the land is available. From all the statistics we have been able to accumulate in a factual manner, this project could very well bring an additional 120 to 160 youngsters, but, these are youngsters a good many of them are living now in Fairfax County, who would participate in a school program as County residents in some area of Fairfax County, or they belong to School Board and County employees now residing outside of Fairfax County, who are desirious of living in Fairfax County in order that they may reside closer to their place of employment. Some may well be the children of widows, widowers, young married couples, making a start, enlisted military personnel or other low-income but desirable residents of the County of Fairfax. I say to you, this County should use every means at its disposal to provide adequate housing for these citizens, particularly since many School Board and County Employees are paid below the wage scale of the Metropolitan area in which we live. I am amazed that anyone would raise the question of need, in the past months, as a matter of fact, five or six years, the need has been recognized by all responsible boards and agencies of the County government. The Board has not seen fit to act in any manner to alleviate the hardships or meet the needs of these citizens.

"This is the second application the BZA has acted upon under the same section of the ordinance, with similar classification. The first being a 285 unit project in McLean covering 13 plus acres of land some months ago. Mrs. Bradley, at that time, saw fit to support that particular application.

"No one has questioned the action of the BZA on the application of the McLean project permit. Mrs. Bradley had endorsed this and indicated to the members of the BZA that we should act favorably upon it.

"Now we have an application to meet the needs of Fairfax County citizens. She has seen fit to oppose this. I can't understand the position the board has taken in this matter that so vitally affects many of our people. Many who work day in day out for our County government at a salary less than some of their counterparts enjoy in other jurisdictions surrounding us. I think the need in this particular area of low cost housing is urgent as indicated in a statement by Mr. William Ebhardt, the Director of Transportation, Fairfax County School Systems on December 14, 1965 at a meeting of A Fairfax County Civil Service Commission and I quote 'Mr. William Ebhardt stated that out of his 35 county employees nearly one-half could not qualify under FHA standards to buy a home in Fairfax County. He indicated these people are living in Loudoun County and Prince William County and they would prefer to live in Fairfax County where they work and send their children to Fairfax County Schools. He spoke of 'shadetree' or'moonlighting' among his employees and indicated that in his opinion this practice definitely affected the ability of his men to work on their jobs. He indicated his men were averaging $1000.00 a year, less than the comparable employee in private garages.'(end of quote). Similar conditions exist in the Police Department, Fire Department and other branches of the County government. I bring this to the attention of the School Board since it is apparent they have not made a complete study of the needs of their employees, they have overlooked some of the basic needs in the field of housing, hygiene and nutrition. In a complex such as the Lafayette Estates Housing proposes here, people could live in a good environment, at a rent possibly one-half as much as they are paying now for inadequate or poor housing. Many of whom are living outside of Fairfax County at a sacrifice in time and resources. This general situation is true throughout the entire county government among the lower paid employees.

"The Board of Supervisors passed a housing and hygiene ordinance a few years ago which they charged the Health Department with enforcing yet they have made no provision for housing the many displaced persons through the eforcement of this ordinance. Another noteworthy action taken by the Board on Wednesday consisted of spending almost an hour discussing a proposed amendment to the ordinance to allow the reconstruction or actually construction of houses on pit privys, in one of the most enlightened areas of our great country. This is three steps backward, especially in view of the fact that the plan submitted and is now lying somewhere in the confines of the courthouse and has been since sometime the latter part of last summer. This plan outlines a proposal whereby the areas of Lewis Park, Vannoy Park and Lincoln Park could be sewered. This plan of action was submitted by the Health Department sometime the latter part of last summar for action by the Planning Commission to alleviate the sanitation problem in these areas. Preliminary engineering has been done in connection with this proposal. At this point there has been no action taken by the Planning Commission or the Board of Supervisors on this proposal. At this point there has been no action taken by the Planning or the Board of Supervisors on this proposal, although there are plans available under Federal Grants and assistance to alleviate this condition and to build roads and streets in the areas mentioned. This could have been initiated in possibly less time than it took the Board to settle the question of the amendment to the ordinance. Under the amendment at best this would be of a very costly arrangement for the citizens involved. It is not adequate, it is not proper, it does not meet the needs of the people nor does it carry out the intent of the hygiene ordinance passed by the Board of Supervisors. Certainly the Board is not keeping faith with these citizens when there are plans available to alleviate these unsanitary conditions. Unless we work to eliminate these conditions many of the people who have owned the land or lots in that area for years have built their homes there, they intend to live there, and raise their childre n there will continue to suffer undue hardships due to inaction onthe part of the Board.

"As to the emergency amendment that was executed taking the sting or the fangs out of the eleemosynary section of the Fairfax County ordinance. I submit to you, first, the Board did not establish the fact that there was an emergency. This was an arbitrary and capricious action by the Board, simply to satisfy the personal desires of possibly one or more individuals who have been elected by all the citizens to represent them and act in all cases, in the best interests of the general health and welfare of all the people, it is more apparant daily that the Board of Supervisors has no intention of taking appropriate action to alleviate the hardship that exists among this group of our neighbors. Rather than elevate them there program points to one of elimination of this group from Fairfax County. The tool by which this could be accomplished could very well be the Housing and Redevelopment Authority.

"The areas of Lincoln Park, Vannoy Park and Lewis Park could very well have been sewered, water facilities made available, 1/2 or 1/3 acre lots established by the Board itself. This could have been an area where many of our citizens could have provided a home for themselves where they could live in dignity, with the comforts to which they are certainly entitled. Why then did the Board see fit to take these arbitrary actions when we have within our grasp one of the most unique approaches to the housing problem that I have ever been privileged to witness. One whereby local citizens join with the Federal Government to provide low cost housing units for the citizens.

"The motion made granting this permit was one of the most restrictive ever rendered by this Board since I have been privileged to serve on it. If Lafayette Estates Housing corporation is allowed to construct this complex of low-rental units, and they should be allowed to progress without any delay this project could very well become a model for the rest of the country in providing through private enterprise low-cost rental units where the citizens can live and raise their families in a healthy atmosphere.

"This project will not cost the citizens of Fairfax County one penny. It will instead, over a period of forty years, under the present tax rates, put approximately 5.25 million dollars in the County treasury. Much more important than the monetary phase of this is the fact that we are providing for the needs of our citizens in a manner that is proper and suitable.

"It is our hope that the citizens of Fairfax County will give thought to the actions of the Board of Supervisors on Wednesday of this week as opposed to the action of the BZA that granted this use permit, that has been called by some controversial. However, it now appears that the opposition was really not from as many people as had been indicated, rather, from one or possibly two individuals who helped excite the opposition rather than taking the initiative to explain the details, the benefits of this particular project to the County and all of its people.

"I would urge the Board to reconsider its action of last Wednesday in view of the facts herewith presented and in the best interests of their constituents.

"I am reminded of Verse 16, Chapter Four of the Book of James, and I quote,'FOR WHERE ENVY AND STRIFE IS, THERE IS EVERY EVIL WORK'."

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The meeting adjourned at 4:25 P.M.

Minutes taken by Mrs. Betty Haines.

Mary K. Henderson Chairman

February 11, 1966 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, February 8, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. E. J. Henderson, Chairman, presided.

061

The meeting was opened with the prayer by Mr. Smith.

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10:00 A.M.- FRANK LYNCH TIRE COMPANY, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, on southerly side of Old Dominion Drive, approximately 500 feet east of Kirby Road, Dranesville District. (C-N) S-259-65.

Mr. Rutherford Day represented the applicant. He stated that Mr. Lynch is now operating the Mobile station directly across the street from this site, but if this application is granted, he will cease to operate the Mobile station. Mr. Lynch plans to erect a colonial type station. It is an investment with him and he will be the operator of the station in connection with his tire business. This is a peculiarly shaped lot. Mr. Lynch's business is primarily in the automotive diagnosis and repair field and the gas pumping element of the business is secondary to the sale of tires and related services. This will be exactly the same operation as he now has across the street and will allow him to expand a bit. The bays will be located in the rear of the station and will not be seen from the front. There will be four work spaces. Screening will be provided to protect the residential zoning in the rear.

Mr. Day stated that Mr. Lynch would not do any body work, major overhaul or internal engine work.

Mr. Lynch said they are not equipped to do garage work. They will do only allied services in connection with the tire business -- wheel balancing, front end alignments, etc. They have an electronic device for testing in connection with these services. The gasoline station will be an accessory use to the tire installation as their industry can no longer exist with only one product. He is on the committee which is trying to prove that these operations can be put in well, effectively and financially well run. The architect told him that he had never seen a layout such as planned here, with all the doors in the rear. It will be of antique brick and aluminum siding and will have a very nice appearance.

No opposition.

The pump islands will be of brick with two sliding panels to allow for maintenance of the pumps, and will match the building, Mr. Lynch said. He did not know yet what brand of gasoline would be sold.

In the application of Frank Lynch Tire Company, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, on southerly side of Old Dominion Drive, approximately 500 feet east of Kirby Road, Dranesville District, Mr. Smith moved that the application be approved as applied for, for a four bay service station, in conformity with plans outlined by the applicant and his attorney, that pump islands will set back 50 feet and the 75 foot building setback would not be needed. All other provisions of the Ordinance must be met. For gas station only in conformity with the discussion which took place at this meeting. It is understood that the applicant's accessory use will be tire sales and services. Seconded by Mr. Barnes. Carried unanimously.

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February 8, 1966

062

10:10 A.M.- HENLEY O. DRUMMOND, application under Section 30-6.6 of the Ordinance, to permit stable 82.2 feet from Stoney Road, property at 6525 Ox Road, Lee District. (RE-1) V-273-65.

Mr. Drummond said a friend had a horse and needed a place to keep him, so they built a shed without knowing a building permit would be required. He owns a little over ten acres. The horse shed or stable is a one stall frame structure. If this is approved, Mr. Drummond said he would get a building permit.

The Board discussed granting this under the ~~proposed~~ RECENT amendment of ~~the variance section of~~ the Ordinance DEALING WITH STABLES.

There was no opposition.

In the application of Henley O. Drummond, application under Section 30-6.6 of the Ordinance, to permit stable 82.2 feet from Stoney Road, property at 6525 Ox Road, Lee District, Mr. Smith moved that the application be approved as applied for. Seconded by Mr. Barnes. Mr. Smith added that it is understood that the applicant will secure a building permit to bring this into conformity with the County code. Carried unanimously.

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10:20 A.M.- MRS. A. J. COHEN, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of an electrolysis as a home occupation, Lot 4, Section 1, Sleepy Holbw Estates (3305 Sleepy Hollow Road), Mason District. (RE-0.5) V-274-65.

Mrs. Cohen stated that she wishes to have an electrolysis operation as a home occupation. Electrolysis is the removal of unwanted hair from the face or body, she explained, and is best done in privacy. It requires one special machine which must be bought from the Company giving the training.

Mr. Smith said he felt that this operation was similar to a home beauty shop operation.

It is more akin to the medical profession, Mrs. Cohen said, because of the psychological effects involved. It is sometimes done in beauty shops that have a private space available for this service. She said she had checked with the license bureau of the County and had been told that a license was not needed; however, they referred her to the Zoning Office who told her that she could operate in her home without appearing before the Board. She would have no signs, or any indication that she was practicing in her home. This is the kind of business, that if you are lucky, you can get one patient per hour and she would like to have two days work each week. This is an operation approved by the American Medical Profession, and she has six years experience in this type of work. She would do hair removal only. Doctors have recommended patients to her and she always checks to see whether the patient is under medical treatment or is taking hormones; if there are warts or moles present, she is forbidden to touch them.

Mr. Smith was concerned about whether the State Health Department would require her to meet certain health standards, and felt that Mrs. Cohen should check with the Health Department first.

Mr. Smith asked about the type of machine to be used - would it operate off one-hundred and ten volts?

In Europe she worked on 220 current, Mrs. Cohen replied, and she had the machine adjusted for this, however, she would work on 110 volts in this operation. She described the procedure used in removing the unwanted hair, saying that at no time would the skin be punctured. She wipes the area to be treated with alcohol and then applies a topical anesthesia; the sensation is much less than that experienced in the tweezing of eyebrows. She would have no more than one patient at a time and the treatment is usually for 15 minutes, sometimes for a half hour. She will have to start out slowly and build up to two days a week. The customers could park in the carport which would be vacant for this purpose.

No opposition.

Mr. Yeatman moved to defer decision to February 15 to get some information from the Health Department, that is, information from Dr. Kennedy in writing. Seconded by Mr. Everest. Carried unanimously.

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Mr. Reynolds was not ready to present the next application so the Board continued on the agenda.

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DEFERRED CASES

10:40 A.M.- MARTIN E. MORRIS, application under Section 30-6.6 of the ordinance, to permit erection of an office building 25 feet from Fleetwood Road, Lots 26, 27 and 28, Block D, Beverly Manor, Dranesville District (C-D) V-272-65.

MEMBERS OF THE BOARD HAD VIEWED THE PROPERTY, SO,

In the application of Martin E. Morris, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 25 feet from Fleetwood Road, Lots 26, 27 and 28, Block D, Beverly Manor, Dranesville District, Mr. Smith moved that the application be approved as applied for due to the extreme narrowness of the lots; the applicant has come up with a building to be placed on the small piece of land of a height that certainly will be compatible with the surrounding area. All other provisions of the Ordinance must be met. Seconded by Mr. Barnes. Carried unanimously.

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10:50 A.M.- JOHN A. HOLZMAN, application under Section 30-6.6 of the Ordinance, to permit awning over existing slab 23.5 feet from Street property line, Lot 513, Block 15, Section 3, Springfield, (7121 Highland Road), Mason District (R-10) V-241-65.

No one was present on January 11 to present the case and it had been deferred to this date. No one was present so the Board agreed to defer to March 8 and notify the applicant that if no one is present at that time, the application will automatically be denied. (See later on in the meeting.)

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11:00 A.M.- PAR VEHICLE SERVICES, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of car rental (Airway Rent-A-Car), property at 5734 Leesburg Pike at Bailey's Crossroads, Mason District (C-G) S-246-65.

Deferred from January 11 for new plats because it turned out that the location of this rental was on adjoining property to the gas station.

The applicant's representative presented one copy of the new plat, stated that the rental would be on the 8,000 square feet adjoining the service station.He also presented a letter from Mr. Irvin Payne, Jr. stating that he was leasing the property to the applicant for the purposes of renting vehicles and giving his permission to allow parking of non-rented cars there also. They will use the existing building on the rear of the property as their office.

In the application of Par Vehicle Services, Inc., application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of car rental (Airway Rent-A-Car), property at 5734 Leesburg Pike at Bailey's Crossroads, Mason District, Mr. Smith moved to approve in conformity with the plat presented. It is understood that the permit is granted for the use to be on the 8,000 square feet lot with 50 feet frontage. The driveway easement comes off Columbia Pike. The one story frame building in the rear of the property will be used as an office for the rental operation. All other provisions of the Ordinance must be met. Seconded by Mr. Barnes. Carried unanimously.

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11:10 A.M.- DANIEL W. TAYLOR, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 17 feet from rear property line, Lot 11, Montour Heights. (6727 Montour Drive), Dranesville District (RE-1)

Deferred from January 25 to view the property.

The Board reviewed the facts in the case. The houses were set on the rear portions of the lots because of the septic fields in front; sewer is available now if they want it. Mr. Taylor already has a garage and a new garage will fill up the back yard. He is asking for a one car garage in this application.

In the application of Daniel W. Taylor, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 17 feet from rear property line, Lot 11, Montour Heights (6727 Montour Drive) Dranesville District, Mr. Yeatman moved that the application be approved as applied for. It fits the variance section of the Ordinance because of peculiar circumstances. Seconded by Mr. Everest. Carried unanimously.

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11:20 A.M.- WILLIAM C. SMITH, application under Section 30-6.6 of of the Ordinance, to permit erection of a garage and bath house 7.5 feet from side property line, Lot 4, Parkview Hills, (6812 Lupine Lane), Dranesville District. (RE-1) V-258-65.

At the meeting of January 25 there was a tie vote - deferred to break the tie.

Mrs. Henderson reviewed the events of the last hearing for the benefit of Mr. Barnes who had been absent then.

Mr. Everest moved that the application be approved as applied for; seconded by Mr. Yeatman.

Mr. Barnes said he was not presently prepared to vote on the application and would like to view the property before making a decision.

Mr. Yeatman withdrew his motion to second.

Mr. Barnes moved to defer the application to February 15 in order that he might view the property. Seconded by Mr. Smith. Carried unanimously.

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Mr. Woodson introduced Mr. McFarland of the Ilda Community Recreation Association, Inc., who stated that they would like to increase their membership to 500 families and retain the 134 parking spaces which they now have. Since Mr. Reynolds was now ready to present his case, the Board agreed to go back to the regular agenda, and come back to this matter later.

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10:30 A.M.- WALTER REYNOLDS, application under Section 30-6.6 of the Ordinance, to permit erection of 3 dwellings 30 feet from street property lines, Lot 23, 24 and 25, Reynolds 3rd Addition to Potomac Hills, Dranesville District (R-12.5) V-276-65.

Mr. Reynolds had not given proper notification. Mr. Everest moved to defer to March 8 to allow time for notification. Seconded by Mr. Smith. Carried unanimously.

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Ilda Community Recreation Association (Continued)

Mr. McFarland stated that the present membership of the Association is 345 families and they expect to open next summer with around 400. The permit limits them to 400 because of the parking lot restrictions. The ratio for parking applied to them was 3 to 1 and they had a charter membership of 500 but had to reduce it to meet the parking requirements. They have more land but cannot use it until they do about $7,000 worth of work on drainage improvements. Their total acreage is about 5½ acres and contained on one side of Braeburn Drive - they have acreage on the other side of the pool which is contained within the 5½ acres which they intend to use after it is prepared but it won't be before two years.

This parking set up by the Board might not be all needed right now, Mr. Smith said, but the Board must look out for the future. Swim meets, for example, will get bigger as time goes on and they will need all this parking.

Mr. Smith moved that the applicant be allowed to increase his membership to 450 families, with 134 parking spaces now available and with the understanding that no participants of this use be allowed to park off of the property. If it is found that they cannot all be confined within the 134 spaces, the applicant will have to provide additional parking on the premises. Seconded by Mr. Everest who added that the use permit would be jeopardized if there is parking on the streets. Carried unanimously.

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Mr. Spence brought up a problem concerning Fairfax Quarries request for a special use permit on 72 acres on Route 29-211 across the road from its present operation. Their difficulty is in interpretation of the Ordinance that requires submission of current field topographics for the property. Their problem is whether or not they can use the U.S.G.S. survey they have submitted with 5 feet contour lines. Captain Porter's office turned it down but said they would leave it up to Mr. Woodsons' office, and Mr. Woodson is leaving it up to the Board. If they have to do a field topo just for the application, it would cost $1,800 approximately but by using the U.S.G.S. survey and having their engineers check it out, it would cost about $500.

The consensus of the Board was that as long as it is certified that this is a current topo, it qualifies with the Ordinance. This should be on a scale of 1 to 100. The application will be considered on its merits.

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The representative of JOHN A. HOLZMAN (deferred to March 8 earlier in the meeting because no one was present to represent him) said he had been held up by heavy traffic coming from Baltimore. He introduced himself as Mr. Leonard Ross of Homecrafters Corporation of Baltimore, Maryland. They put up the aluminum awning for the comfort of Mr. Holzman's wife who has an incurable disease. Mr. Ross said the application did not go through the normal process in his office - he pulled it to give it his personal attention and somehow the man in charge of getting the building permits never saw the application.

Mrs. Henderson suggested moving the awning to the other side of the house where there is plenty of room.

Mr. Ross presented the original plat on the property which showed an open carport. The plats which the Board members had showed an enclosed carport which looked to be in violation.

Mr. Smith said he would like to defer decision until Mr. Holzman can be present to explain whether or not he had a permit for the enclosed carport and find out how long he has lived in this house. He moved to defer to March 8, seconded by Mr. Everest and carried unanimously.

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Mrs. Henderson read a letter from a Mr. Arps who wished to operate a mail order business selling color slides from his home, using a post office box number. There would be no signs, no pick ups at his home, and no traffic problems. He would have one full time and one part time assistant to assist with the research captioning data.

The Board agreed that a home occupation could not have employed people. This is definitely a business and should be located in an office. This is not permitted as a home occupation under the present Ordinance.

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Mrs. Henderson read a letter from Mr. Frank Ball of Sleepy Hollow Nursing Home, asking for an extension of their use permit for six months to get full information on Medicare. Mr. Barnes moved to grant a six months extension; seconded by Mr. Everest. Carried unanimously.

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Mr. Woodson suggested getting an electric typewriter for the Secretary. The Board of Appeals does not have a budget of their own, and the Zoning Office budget does not allow for an extra typewriter.

Mr. Smith moved that the Zoning Administrator and the Chairman of the Board contact and speak to the proper officer in the County immediately to assure an electric typewriter and any other equipment which the secretary might need to render services to the Board. Seconded by Mr. Everest and carried unanimously.

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The Meeting adjourned at 12:30 P.M.

Minutes taken by Mrs. Betty Haines

Mary K. Henderson Chairman

February 11, 1966 Date

February 15, 1966

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 15, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. (Mr. Smith arrived late.) Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

CROMWELL CONSTRUCTION COMPANY, application under Section 30-6.8 of the Ordinance, to permit dwelling 44 ft. from Falkstone Lane, Lot 4, Block 13, Section 1, Mt. Vernon Manor, (8806 Falkstone Lane), Mt. Vernon District (RE-0.5 cluster) V-277-65

Mr. John T. Hazel, Jr., represented the applicant. The error was not discovered until the wall check, he explained, and then it was found out that the house was 1 ft. closer to the street than allowed by the Ordinance. This is a cluster subdivision and the house is located on a 60 ft. street instead of a 50 ft. street, but when the lot footing was laid out, it was laid out on a 50 ft. street rather than a 60 ft. street. The lots on either side of this one are being developed but none of the houses are completed yet. Three of the persons to whom notices were sent called to find out what the application meant, Mr. Hazel said, and said they had no objection to the application as he explained it to them. All of the other houses have been checked and they are all right.

There was no opposition.

In the application of Cromwell Construction Company, application under Section 30-6.8 of the Ordinance, to permit dwelling 44 ft. from Falkstone Lane, Lot 4, Block 13, Section 1, Mt. Vernon Manor, (8806 Falkstone Lane) Mt. Vernon District, Mr. Everest moved that the application be approved to permit the dwelling 44 ft. from Falkstone Lane. This meets the error clause of the variance section of the ordinance. Seconded, Mr. Yeatman. Carried unanimously. (4-0, Mr. Smith not yet present.)

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OLDE CREEK RECREATION CLUB, INC., application under Section 30-7.2.7.1.1 of the Ordinance, to permit a community recreation club with swimming pool facilities and tennis courts, Parcel A, Section 4, Somerset, Providence District (R-17) S-278-65

Mr. Richard Hobson represented the applicant. This is a non-profit Virginia corporation, organized for the purpose of operating a community swimming pool and recreation club, he explained. The developers of Somerset, Bo-Bud, have agreed to convey five acres to the applicant for this purpose. Whittaker Lane, which does not go all the way through at present, is planned to go all the way through in the future. The property next to this is owned by the Fairfax County Park Authority. This club is designed to serve the Somerset and Olde Creek Subdivisions and there will be a walkway from the Olde Creek Subdivision to the recreation area. Although the club has an outlet onto Laurel Street, the Park Authority has agreed, in order to keep the driveway away from Lot 91, to give an easement over their property 84 ft. from Lot 91 for the driveway. The Park Authority has sent them a letter to this effect.

Mr. Hobson introduced the President of the Corporation, Mr. Robert Will.

Mr. Will discussed the origin of the pool corporation. In May 1965, he said, through the Somerset Citizens Association, they began discussing the possibility of a pool to serve their subdivision. At that time they formed a committee and examined other pools in the area in order to determine whether it might be more feasible to join another community type pool. The Rutherford Pool Association is approximately three miles from their proposed pool location but there was a question of whether this pool would be large enough to serve the two subdivisions. The Woods of Ilda pool has a fairly large membership and were in a position where they could not handle the number of members from these subdivisions. They have since filled up their memberships and now have a waiting list.

The commercial pool at Starlite is a mile and a half away, Mr. Will continued. They feel that a community pool close to their homes would allow teenagers and children to walk to the pool without escort, whereas all the other pools in the area would require their children to cross busy streets and this is one thing to which they object. This, plus the fact that the other pool memberships were filling up prompted them to try to form their own swimming pool for the community. This site is ideally located between the two subdivisions which it would serve. There are no major thoroughfares for any of the children to cross. The sidewalks

Olde Creek Recreation Club, Inc. - Continued

in the subdivision on Laurel Street are immediately accessible to the proposed pool entrance. There will be a hard surfaced walkway up the park land to serve the Olde Creek Elementary School. The school will be opened this fall and their subdivision will be served by the Somerset School as well as by Olde Creek and rather than provide bus transportation, the School Board is working with the Park Authority to develop the walkway to enable the children to walk to school. A number of people are expected to drive to the pool but this traffic would not be in conflict with normal traffic.

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They propose to have 250 memberships, Mr. Will continued, and so far they have 86 paid up memberships for the corporation. They anticipate that at the time the other subdivisions are finished, approximately in September of this year, the membership will increase substantially.

This is a non-profit non-stock Virginia corporation, Mr. Hobson stated, with a maximum authorized membership of 250.

Mrs. Henderson asked what provisions for screening were being made along the back of the residential lots, to prevent people from cutting through.

The site now is heavily wooded, Mr. Hobson replied, and the neighbors have requested that there not be a fence along the back of their lots. They wish the natural trees to remain and the Club will let them remain. The site contains five acres, it is larger than the normal community pool. They will comply with the County Swimming Pool Ordinance with respect to fencing the swimming pool area. The Health Department does not anticipate any problems with their compliance with the State and County Health ordinances. They must also file a site plan. There will be two tennis courts and picnic tables, but no snack bar. They would like to have a Coca Cola vending machine. The picnic tables will be located on the side toward the Park Authority's property, and if the Park Authority agrees, might be put on the park property. They do not anticipate any music over the loudspeakers and as to hours of operation, a committee has been authorized to discuss this. Other pools in the area close around 9:00 p.m.

Mr. Hobson introduced Mr. Donald Jaycock from the King's Park community pool.

Mr. Jaycock stated that the Royal Pool is very similar in design and size to this proposed pool operation. They have a membership of 250 and the pool is almost identical in layout. The pool is "L" shaped, and the wading pool is round. However, they have only one acre of land as opposed to five acres in this application. The County has put in picnic tables and tennis courts adjacent to the pool. The houses in the area have definitely not been adversely affected by this pool. Immediately across the street from his house, Mr. Jaycock said, the house was sold for approximately $7,000 more than was paid for it, and the only addition was a screened porch. (Mr. Smith arrived.) Other houses immediately adjacent to the pool have been sold in excess of purchase price and some of the sales personnel have used the swimming pool as a sales point in selling these houses.

Mr. Hobson said the Ilda Recreation Association club has been filled up and they now have a waiting list. They are anticipating that the same thing probably will happen with this proposed club. They have plenty of room for more parking, and because of the natural screening of the site, the location between the two subdivisions which it would serve, because of the need in the area, and because of the fact that adjoining lots were sold after the proposed club was announced and the location was known to the purchasers of these lots, Mr. Hobson submitted that the proposed pool would be an asset to the community and would not hinder development of adjoining land.

Opposition:

Mr. John O'Carroll objected because he said he understood if the use permit for this pool were rejected, the County would be given the land for the benefit of the public. If the land is given to the recreation club, the local citizens will be deprived. He objected to the noise which would come from the pool, and to people cutting across his property to get to the pool. Granting the use would tend to disturb the suburban setting and degrade the residential tone of the community, he contended.

Mr. Vascougie stated that when he purchased his home, the land in question was represented to him as being park land, and that is one of the reasons which prompted him to select this particular lot. He felt that the children in the area could go to the commercial pools in the county and that the commercial enterprises should be supported by the communities.

How would you propose that community recreation be furnished, if not by the citizens themselves, Mr. Smith asked? It seemed to him, he continued, that this is the only practical means for them to get this type of

recreation, they join together and provide it themselves. The County could not put swimming pools within everyone's reach in all of the County communities.

The YMCA pool is just down the road, Mr. O'Carroll suggested.

But that is already overcrowded, Mr. Smith said.

There is a lake in the County, Mr. O'Carroll said.

The lake is miles away, in another part of the County, Mr. Smith said.

Mr. O'Carroll said he had no need or desire to belong to a pool association but there are a number of country clubs available for people in the area who wish to join.

Mr. Vascougie said he had an 18 year old son who loved to swim, but who opposes the pool in this area because it could mean that there would be 1,000 people assembled in the area on any particular day.

Mr. Smith again pointed out that the YMCA pool is overcrowded; the Board has just granted an increase to the Ilda Community pool, and the other clubs in the area are just about filled. The Starlite Club is open to the entire County and is now selling memberships. There are country clubs in the County but not all of the people can afford to join them. The community aspects of swimming pools certainly is good, Mr. Smith continued, because the community doesn't have to travel great distances to get there, these operations are well supervised, and this is one of the finer recreational things in the County, the communities providing their own recreation. The fact that the youngsters have such a short distance to travel is a good thing.

Mr. O'Carroll said he felt that this particular pool would have a direct effect upon his property, as it would create noise, an increase in traffic by his home, and people would cut through his property to get to the pool. He said he had no objection to the pool, per se.

Mr. Vascougie said he would like to see a wildlife sanctuary here.

Under the provisions of the cluster ordinance, Mr. Hobson stated, this land could go either to a non-profit community corporation, or to the County Park Authority.

It is better to go to the non-profit community corporation, Mr. Smith said, because then the County would not have the expense of maintaining it. This land was not acquired by the Park Authority, it did not cost the Park Authority anything. The builder himself is furnishing the land for the community in order to get the cluster zoning for the benefit of the residents who purchase homes in these subdivisions.

Mr. O'Carroll said he was told when he purchased his property that this particular tract would remain in its natural state or go to the Park Authority and as he had a great desire to live near natural woodland with birds and wildlife (his hobby is birdwatching), he bought his home in July 1964.

Mrs. Henderson said apparently the County had decided that it did not need this property because it already had park property adjoining it.

A non-profit organization would supervise this and maintain the area at no cost to the County, Mr. Smith said, and this seems a very appropriate way to have the communities serve themselves. Certainly the communities themselves can do better jobs in the area of recreation than outsiders can - they know their needs and they know what they want, and he said he felt that Mr. O'Carroll lived in an area where he would see some land left in its natural state so he could pursue his hobby of birdwatching.

Mr. Hobson said the developer offered the land to the Park Authority. The citizens in the area said they would get together and organize a non-profit organization for the benefit of the community. With respect to people cutting through the O'Carroll or Vascougie property, the Club could put up a fence to stop that, but the neighbors have indicated that they do not want a fence. The woods in back of the O'Carrolls and the Vascougies would be left in their natural state, so Mr. Hobson said he did not think that noise from the pool would be a problem.

The Planning Staff recommends fencing the parking lot, Mrs. Henderson said, and asked if the applicants would be agreeable to fencing the parking lot from its entrance onto the club property, around to the back lot lines.

If the Planning Engineer wants it, they will do it, Mr. Hobson said.

Olde Creek Recreation Club, Inc. - Continued

Mr. Smith felt that there should be fencing immediately adjacent to the use itself and leave the wooded area in its natural state.

Mrs. Henderson suggested a fence around the parking lot to meet with the fence around the pool.

070

Mr. Hobson said the pool would probably open around Memorial Day and remain open through Labor Day, and the hours would be from 10:00 a.m. to 9:00 p.m. for normal operation. Perhaps there would be some training in the mornings before the pool opens.

9:00 a.m. to 9:00 p.m. are the hours normally established on most of the swimming clubs now, Mr. Smith said, and it is very desirable that there be no activity prior to 9:00 a.m. and none after 9:00 p.m.

Mr. Everest moved that the application of Olde Creek Recreation Club, Inc. be approved as applied for, hours 9:00 a.m. to 9:00 p.m. during the normal summer months operation. Loudspeaker noise and lights shall be contained within the property itself. Lights shall not shine onto anyone else's property. Stockade fence should be put around the property upon request of adjacent land owners. Otherwise, there is no necessity for the stockade fence. There shall be 85 parking spaces for the maximum membership of 250 members. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman.

Mr. Smith felt that the wooded areas should be left open - this is a community operation, he said, and he felt that the communities have done an excellent job in directing traffic and keeping their membership under control. He felt the only worthwhile place for a fence would be adjoining the immediate use, leaving the other area in its natural state.

Mr. Everest said he could not see the advantage of putting a fence around the parking lot - what purpose would it serve?

As a deterrent to cutting across the lots, Mr. Smith replied. The owners of Lots 117 and 118 will be very unhappy when people start cutting across their property.

Messrs. Yeatman and Everest voted in favor of the motion. Messrs. Barnes, Smith and Mrs. Henderson voted against the motion. Motion lost.

Mr. Smith said he agreed with Mr. Everest in granting the use itself but felt that the Board had the responsibility of alleviating what could become a nuisance to adjoining property owners by certain types of fencing and not having the responsibility fall on someone else. In the application of Olde Creek Recreation Club, Inc., application under Section 30-7.2.7.1.1 of the Ordinance, to permit a community recreation club with swimming pool facilities and tennis courts, Parcel A, Section 4, Somerset, Providence District, Mr. Smith moved that the application be approved as applied for, with the stipulations that lights and loudspeaker noise be contained on the immediate use; that there be no overflow of lights or noise beyond the premises of the 5 acre tract. A fence will be placed from the proposed entranceway around the proposed parking lot, to the adjoining fence surrounding the pool itself. If the applicant has a desire to change the courts to some area other than that specified, they should make their wishes known to the Board through the Zoning Administrator without filing a formal application. Membership is limited to 250 with 85 parking spaces. This is to serve the two subdivisions in the immediate area as indicated by the applicant, in conformity with the cluster zoning plan. This is a 9:00 a.m. to 9:00 p.m. operation. All other provisions of the Ordinance to be met. The Board has found in the past that several loudspeakers placed strategically are more desirable than one large speaker - the volume can be turned down and it does not create a nuisance to adjoining property owners. There should also be a fence to discourage people from cutting through other people's property. Site plan approval is required. Seconded, Mr. Barnes. Carried unanimously.

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LINCOLNIA METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day kindergarten, ages 4 and 5, (6335 Little River Turnpike), Mason District (RE 0.5) S-279-65

Reverend Elam, pastor of the Lincolnia Methodist Church, stated that they would like a permit to operate a day kindergarten for children ages four and five. They would have 20 to 22 five year olds; and 20 four year olds, divided into two classes. Four year olds would come two days a week. There would be no more than 50 children at any one time. Enrollment would be limited to 50 children. Hours would be 9:00 a.m. to 12:00 noon, five days a week. This is a church-sponsored, non-profit

operation. They have already been cleared by the Health and Safety Departments. The school is already in operation - they have two teachers. They did not know that they needed a use permit when they started operating.

No opposition.

071

In the application of Lincolnia Methodist Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day kindergarten, ages 4 and 5 (6335 Little River Turnpike), Mason District, Mr. Smith moved to approve the application as applied for. Hours of operation 9 a.m. to 12 noon, five days a week. Maximum of 50 students at any one time. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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ESTATE BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling 38.9 ft. from Trammel Road, Lot 15, Deren Park, (7531 Dolce Drive), Falls Church District V-280-65

Mr. John T. Hazel, Jr., represented the applicant. This is an incorrect location of the building, Mr. Hazel said. Mr. Truman Long, the builder, laid it off himself and this is the first time he has run into this situation. It is less than 2 square feet in violation. There was no deliberate intent in this matter. All of the other houses have been checked and they are located correctly.

No opposition.

In the application of Estate Builders, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling 38.9 ft. from Trammel Rd., Lot 15, Deren Park, (7531 Dolce Drive), Falls Church District, Mr. Yeatman moved to approve the application under the section of the Ordinance dealing with mistakes and errors. Seconded, Mr. Everest. Carried unanimously.

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CHARLES A. IARROBINO, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 28 ft. from Beechway Drive and 10 ft. from side line, and 14.1 ft. from side line, Lot 887, Section 9, Lake Barcroft. (6114 Beechway Drive) Mason District (R-17) V-281-65

Mr. Iarrobino said his architect told him it would be better to get closer to the road because of the steepness of the rear of the lot. He asked DeLashmutt Associates to push the house as close to the road as they considered appropriate due to the fact that the walls on either side are retaining walls. Beechway Drive used to be a semi-cul-de-sac, but it is no longer that way. The neighbors think his plans will enhance the community.

Mrs. Henderson stated that she admired anyone who wanted to build on this particular lot - it is certainly a horrible lot from the building standpoint. Another peculiar feature, she said, is the position of the house.

They were going to have a carport, Mr. Iarrobino said, but did not see how they could. He had intended to petition the Board to have a carport on the left side of the house not to exceed 20 ft. from the road, sort of in line with the carport to the left of him.

Mr. Smith said he felt the application merits favorable consideration due to the unusual shape of the lot and also because of the turn around or cul-de-sac.

No opposition.

In the application of Charles A. Iarrobino, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 28 ft. from Beechway Drive and 10 ft. from side line and 14.1 ft. from side line, Lot 887, Section 9, Lake Barcroft, (6114 Beechway Drive), Mason District, Mr. Smith moved to approve the application as applied for due to the unusual shape of the lot. The topographic problem here is almost one of confiscation; that the applicant construct if he desires, a carport or garage for housing his automobiles, incorporated in this 72 ft. structure which he proposes to build. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

DOLORES C. FORMAN, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on 4 ac. of land, on east side of Rt.

602, 1.7 miles north of Route 7, Dranesville District (RE-2) S-257-65, Providence District

Mr. Edward Forman represented the applicant. Mrs. Forman raises toy poodles, he explained, and these are strictly house dogs. There are no outside runs, and this is not a kennel where she will board dogs. These are for her own dogs only. She breeds them, shows them at dog shows and sells them, but there is no boarding of dogs.

072

Mrs. Henderson read the following letter from Mrs. Forman to Mr. Whitley, adjoining property owner:

"April 1, 1965

Dear Mr. Whitley:

As per our telephone conversation of several weeks ago, I have made application for a kennel license and the hearing is to be April 13, 1965 at 10 A.M.

The main purpose of this letter is to assure you and the other adjoining land owners that my sole purpose in acquiring this license, if granted, is to enable me to legally keep my own dogs for show and breeding and make it possible for me to buy supplies for said dogs at wholesale prices. I do not now, nor will I at any future date, board animals of any kind for the public. Neither will I erect any type of structures including signs which will in any way destroy the esthetic or monetary value of your property, nor will I permit my animals to roam at large; they are confined at all times and are housed in my home.

Thank you for your cooperation.

Sincerely,

Dolores C. Forman"

The dogs are kept in the basement of the house in which Mrs. Forman lives, Mr. Forman stated. The walls, floor and ceiling are all tiled and are easily cleaned.

Mrs. Forman said the house is constructed on a hillside so actually there are two levels. The dogs are on the lower level that used to be the recreation room. Each dog is housed in its own compartment and there is a man on duty 24 hours a day to care for the dogs and keep them clean. A door closes off the kennel room completely and there is a separate entrance to the outside.

No opposition.

Mr. Smith said he would like to have a report from the Health Department.

Mrs. Henderson said she was interested in looking at the property.

Mrs. Forman said she has about 20 dogs at present.

Mrs. DePaul and another lady who did not identify herself, spoke in favor of the application.

Mr. Yeatman moved to defer the application to March 8 for decision only, to enable to Board to view the property, and to obtain a report from the Health Department. Seconded, Mr. Smith. Carried unanimously.

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MICHAEL DOMINICK, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 13.7 ft. from side property line, Lot 34, Section 2, Shirley Acres, (9509 4th Place), Lee District, RE-1 V-265-65

(Deferred from another meeting for Mr. Gainey to obtain a letter authorizing him to be Mr. Dominick's representative.)

Mr. Jim Gainey and Mr. Dominick's mother were present. Mr. Gainey presented a letter from Mr. Dominick's wife authorizing Mr. Gainey to be their agent. Mrs. Dominick, he explained, has power of attorney to sign for Mr. Dominick while he is away in military service. He read the letter into the record, and again explained how the error was made. When he was told that he would have to have 15 ft. of side yard,

he thought this meant 8 ft. on one side and 7 ft. on the other, so even though the application given to the Zoning Office showed 39 ft. on one side and 29 ft. on the other, he thought it would be all right to move the location of the house just as long as he maintained 7 or 8 ft. on the side.

The Board felt that the mistake was Steelcrest Homes' and it was too bad that the Dominicks had to pay the fee.

The fee has already been paid by Steelcrest Homes, Mr. Gainey said, and he was no longer employed by them. The Dominicks are ready to rent the house; as soon as this is settled, someone will move in. They have been paying $135.00 a month and the house has been vacant.

In the application of Michael Dominick, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 13.7 ft. from side property line, Lot 34, Section 2, Shirley Acres (9509 4th Place) Lee District, Mr. Smith moved that the application be approved as applied for; this appears to be an error made by the construction firm that placed the house and if the variance is granted, Steelcrest Homes should bear the cost of the application and Mr. Dominick should not have to pay any part of the fee involved in the application for variance. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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PRICE & COMPANY, application under Section 30-6.6 of the Ordinance, to permit dwellings closer to side lines than allowed by the Ordinance, Lots 7, 8 and 9, Block A, Collingwood Manor, (on Gladstone Place), Mt. Vernon District (RE 0.5) V-268-65

(Deferred from another meeting (Jan. 25'66) for more information.)

Mrs. Henderson said the opposition had presented a drawing showing properties on which variances had been denied, and vacant lots which still remained in the area. On the property owned by Bernice Carter Davis, Mrs. Henderson said, Mrs. Davis was asking for division of property into three lots and this is the reason she was turned down. Now there is a large house on the property.

Mr. Smith said that all the houses on the side of the street where this property is located have 100 ft. frontage, although there are some lots on the other side which have 75 ft. frontage. If this were not developed on 100 ft. frontages on this side of Collingwood Road, Mr. Smith said he might be inclined to grant this variance. There are also 150 ft. lots almost across the road from them. If this application were granted, there are two pieces of property down the street that would in all probability come in for the same arrangement.

According to the drawing presented, Mrs. Henderson said, there are six lots built on less than 100 ft. frontage; three still existing unbuilt on less than 100 ft.; 34 houses built on lots of 100+ ft. and 5 unbuilt on 100+ ft. Certainly the character of the neighborhood is the larger lots. There are several with more than 100 ft.

A great majority of the lots are 100+ ft., Mr. Smith said, and this being only 150 ft. frontage, if granted, it could very well have a detrimental effect on the area. Therefore, he moved that the application of Price & Company, application under Section 30-6.6 of the Ordinance, to permit dwellings closer to side lines than allowed by the Ordinance, Lots 7, 8 and 9, Block A, Collingwood Manor (on Gladstone Place), Mt. Vernon District be denied for reasons stated. It does not meet the variance section of the Ordinance in relation to the property. A great majority of the lots are on 100+ ft. lots and this being only 150 ft. frontage, the variance could have a detrimental effect if it were granted. Seconded, Mr. Everest. Carried unanimously.

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THREE FRONTIERS, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of a miniature western frontier town - commercial recreational establishment, on N. side of Rts. 29-211, adjacent to Hunter's Lodge, Centreville District (RE-1) S-271-65

Mr. Al Hiss, attorney for the applicant, stated that the new owners of the land wished the application deferred in order that they might meet and discuss their plans with citizens in the area. Mr. Yeatman moved to defer to March 8 at the applicant's request. Seconded, Mr. Everest. Carried unanimously.

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MRS. A. J. COHEN, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of an electrolysis as a home occupation, Lot 4, Section 1, Sleepy Hollow Estates, (3305 Sleepy Hollow Road) Mason District (RE 0.5) V-274-65

074

Deferred from another meeting to see if the Health Department had any applicable standards for this type operation.

Mrs. Henderson said the Health Department has no applicable standards governing this type of operation. They state that they have no objection to the use.

There should be some regulations, Mr. Smith said, the Health Department controls beauty shops, and while he thought this was a worthwhile thing, he felt there should be some control by the Health Department.

In the application of Mrs. A. J. Cohen, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of an electrolysis as a home occupation, Lot 4, Section 1, Sleepy Hollow Estates (3305 Sleepy Hollow Road), Mason District, Mr.Everest moved that the application be approved as applied for and that this be subject to Health Department approval, if there be applicable standards. If the Health Department approves this without applicable standards, then they should give some thought and investigation as to whether there is a need for standards in this type operation, and if there be such need, they should initiate such standards. Seconded, Mr. Smith. Carried unanimously.

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WILLIAM C. SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of a garage and bath house 7.5 ft. from side property line, Lot 4, Parkview Hills, (6812 Lupine Lane), Dranesville District (RE-1) V-258-65

Mr. Barnes said he had looked at the property and all of the houses do have garages, however, Mr. Smith did have a garage which he turned into a recreation room, therefore creating the hardship himself. He said he would have to vote against the application.

Mr. Barnes moved that the application of William C. Smith as stated above be denied as there is no topographic situation involved, and there is an alternate location for a garage. Seconded, Mr. Smith. Carried, Mr. Everest voting against the motion. (4-1)

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The Board agreed that the telephone dial center in Vienna should follow the Ordinance; there shall be screening on all sides.

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Mr. Smith moved to grant the request of Parkview Corp. to extend their permit for six months. They have been delayed in securing financing for the building, and redesigning the underground parking. Seconded, Mr. Yeatman. Carried unanimously.

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J. R. Mitchell (7-Eleven) - Mrs. Henderson said the Board had decided this case at its last meeting without looking into the folder. There had been a letter of withdrawal in the folder.

Mr. Everest moved that the withdrawal request be denied, and the denial of the application as made at the last meeting stand. Seconded, Mr. Smith. Carried unanimously.

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Mrs. Henderson agreed to answer a letter regarding the Crandall carport, from Mr. Fred Babson.

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Colchester Marina: A letter from the applicant's attorney requested a one year extension. Mr. Smith moved that the permit be extended to March 22, 1966 and that the applicant or attorney appear in person to explain the request for extension. Seconded, Mr. Everest. Carried unanimously.

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Mrs. Henderson will talk with Mrs. Weisz regarding screening of the Nassiff building.

The meeting adjourned at 1:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

April 11, 1966 (Date)

March 8, 1966

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 8, 1966 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., presided.

The meeting was opened with a prayer by Mr. Smith.

JOHN A. REIDELBACK, JR., application under Section 30-6.6 of the Ordinance, to permit existing dwelling 48.8 ft. from Robertson Blvd., (4200 Robertson Boulevard), Mt. Vernon District (RE 0.5)S-281-66

Mr. Leonard S. Homa represented the applicant. He stated that at the front of the house is a garage, and this is where the violation occurs. This house is a four-sided one, with a courtyard in the center, and was built as a model type house and given national publicity in the leading building magazines. The violation of 1.2 ft. was not discovered until during the past 30 days when the Association entered into a contract to sell the house and the title company discovered the error. The building permit was issued in proper order but somehow through an error, the house was not constructed in the proper location. The applicant was requesting that the Board grant the variance under the "mistake clause" of the Ordinance as this would not be detrimental to any adjoining properties, nor would it create an unsafe condition. Not granting the application would cause an unreasonable hardship upon the owners, since they would not be able to convey this, and as an association, would have no use for the house other than for this purpose. The Association contracted the house and the contractor subbed out all of the work. Mr. Reidelback is the senior officer of the association, Mr. Homa stated. The house is occupied at present under a lease arrangement.

No opposition.

In the application of John A. Reidelback, Jr., application under Section 30-6.6 of the Ordinance, to permit existing dwelling 48.8 ft. from Robertson Boulevard, (4200 Robertson Boulevard), Mt. Vernon District Mr. Smith moved that the application be approved as applied for, based on the information which the applicant has conveyed to the Board. The application meets the criteria set down in Sections 30-6.6.4 and .5 of the variance section of the Ordinance, and would not in any way be detrimental to the development of adjacent property. This is not a condition that exists generally throughout the area. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance to permit a water pump, storage and distribution facility, approximately 950 ft. south of Route 603 (Beach Mill Road) on proposed Chesapeake Drive (Riverside Manor), Dranesville District (RE-2) S-282-66

Mr. Richard Mobson represented the applicant. Mr. Fred Griffin from the Water Authority was present also.

The developer of the area, Mr. Daughtery, is planning a cluster type subdivision in this RE-2 zone, Mr. Mobson explained, and requests the Water Authority to give him service on the property from a well, as their nearest facilities are approximately ten miles away. The Water Authority feels that they can provide a pumping station similar to types that have been granted by this Board previously, to serve the area. This would be a 5,000 gallon tank, and it would not be elevated.

Mr. Griffin stated that the Board of Supervisors has granted a waiver on fire protection until such time as water comes through, leaving out the fire hydrants until such time as the water mains are in use. The tank will be adequate to serve the 54 lots in the proposed development.

The building which will house the pumping equipment will be childproof, Mr. Mobson explained, and will be locked. There will be a vented window. Inasmuch as the building will be completely intrusion-proof, there will not be a fence around it. Shrubbery will be put around the building. The tank itself will be approximately 25 ft. long and 8 ft. high.

Mr. Griffin said the site has already been approved by the State Health Department.

No opposition.

In the application of Fairfax County Water Authority, application under Section 30-7.2.2.1.5 of the Ordinance, to permit a water pump, storage and distribution facility, approximately 950 ft. south of Route 603, (Beach Mill Road) on proposed Chesapeake Drive (Riverside Manor), Dranesville District, Mr. Yeatman moved that the application be approved as applied for, all other provisions of the Ordinance being met. Seconded, Mr. Everest. Carried unanimously.

Mrs. Henderson noted the Planning Commission's recommendation for approval.

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HOWARD WICKERT, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of a U-Haul trailer rental lot and trucks, on northerly side of Route 1, approximately 200 ft. from Huntington Avenue, west of Margie's, Mt. Vernon District (C-G) S-284-66

Mr. Quin Elson represented the applicant. Mr. Wickert, the leaseholder-operator of Howard's Sunoco, wishes to withdraw approximately 3,833 sq. ft. from a use permitted by right in the area, Mr. Elson stated -- a service station which has existed since 1953 and contains approximately 26,527 sq. ft., and is requesting a use permit on this land to be withdrawn from the service station for use as a U-Haul trailer and truck rental operation. Mr. Elson related the application to criteria contained in the Ordinance necessary for obtaining a use permit, stating that the subject property can meet all the requirements. He felt that the use was a compatible one with the area and would not be used in connection with the service station operation. It would be a separate use on a separate piece of land. Mr. Wickert did operate a U-haul rental business on his property for approximately six months before he was notified by the Zoning Office of his violation and then ceased to operate. The trailers which would be parked on the property are approximately 5 x 8 ft.; the trucks approximately 16 ft. in length. During the time in which Mr. Wickert operated the rental service, there were no accidents on the property, and the increase in traffic due to the rental operation was only 5 - 6 cars per day. This is similar to the operation being conducted across the street from this property.

Mr. Elson said he realized the problem facing this Board in granting this application, but this particular application meets standards that other areas in the County probably would not be able to meet. It has access to two primary highways and the area is readily approached by all areas in the Mount Vernon District. He felt that there should be some kind of enclosure suitable to the area -- a building or shed -- that could be used as the office for this operation, and not operate it directly out of the service station.

If this is granted under this setup, Mrs. Henderson said, every other service station in the County on C-G property would come in and ask for the same thing, but if the land were subdivided, she said she might look at it in a different light. This is established as a service station at present. This would have to be subdivided and recorded and not have just a lot of trailers in the corner of a gasoline station use.

That is the only way he would consider it, Mr. Everest said.

Mr. Elson requested that the Board defer the case until the applicant could work this out and present new plats showing the exact location of the trailers and location of the rental office.

Opposition:

Mr. Grant Sykes represented Wayne Trailer Rentals, Inc. located across the street from the property involved in the application. He stated that Wayne Trailers have been operating in this location for more than eight years and they are a member of Nationwide Trailer Rentals. This is their livelihood, they do not have a service station on their property, it is strictly for trailer rentals. Wayne's is being surrounded by U-haul rentals from gasoline stations, Mr. Sykes said, and granting this one across the street from them would result in unfair competition. Wayne's tried to get a trailer rental operation at Seven Corners but their attorney advised them that such an action would probably be futile. Granting the Wickert application would result in an unsafe and hazardous condition on Route 1. Customers would go back and forth across the highway from one trailer rental operation to the other to check prices on both sides of the road. Nationwide Trailers cannot afford to reduce their prices because this is their only source of income, whereas the service station people could reduce their prices because they have income from pumping gasoline. This would result in unfair competition.

A representative from U-Haul Trailers stated that their price rates are set and at no time can the rates be cut. He quoted their prices as $.70 per foot on the length of the trailer, minimum rate for local use. Minimum one way rental of a 4 x 6 ft. trailer is $9 in zone 1, a 50 mile radius.

Howard Wickert - Continued

Mr. Yeatman moved to defer the application of Howard Wickert for a period of 60 days in order that the applicant may present new plats. Seconded, Mr. Everest. Carried unanimously. Deferred to May 10.

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EDWARD WILLIAMS & OBIE MARRUP, (Mt. Vernon House of Furniture), application under Section 30-6.6 of the Ordinance, to permit erection of an addition to existing store closer to front and rear property lines, (6801 Richmond Highway), Mt. Vernon District (C-G) V-285-66

Mr. Munsie and Mr. Williams were present. Mr. Munsie said they were requesting the waiver because of the shallow depth of the property on which they wish to place the addition. The addition will not be any closer to the highway than the existing building is. It would be a one story structure compared to two stories in the existing building. The building is old, but a substantial one of brick construction. Lot 15A will not be developed - they had shown it as parking space but the Planning Engineer has allowed them to reduce their parking so it will not be used. The old gasoline station which is presently being used as storage space will be demolished. The addition will be of masonry construction, and of colonial design. The front will be brick faced block and the rear will be concrete block, which can be painted.

Mrs. Henderson noted a letter from Mr. Massey to the Planning Engineer, stating that on February 16 the Board of Supervisors granted a modification of the travel lane requirements as requested by Mr. Munsie, on condition that an easement be granted for ingress and egress across the full width of the property and to permit omission of the rear curb.

Mr. Yeatman said he would like to take a look at the area.

Opposition:

Mr. Andy Repasse, living on Lots 7 and 8, said he did not oppose the addition, but was a little concerned about drainage and the burning of trash on the property.

The Board members assured Mr. Repasse that the drainage would be taken care of by the Public Works Department, and Mr. Munsie agreed that disposal of trash would be taken care of in accordance with County regulations.

Mr. Munsie again stated that Lot 15A which was shown as parking space would not be used for this purpose. The lot is presently clear of trash and debris and will remain in this condition. There are no plans for developing the lot.

Mr. Yeatman moved to defer decision to April 12, for viewing the property. Seconded, Mr. Everest. Carried unanimously.

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DEFERRED CASES:

JOHN A. HOLZMAN, application under Section 30-6.6 of the Ordinance, to permit awning over existing slab 23.5 ft. from street property line, Lot 513, Block 15, Section 3, Springfield, (7121 Highland Road), Mason District (R-10) V-241-65

(Deferred from another meeting in order that the applicant could be present and also to determine whether or not a building permit was obtained for enclosing the garage.)

It has been determined that there was a building permit for enclosing the garage, Mrs. Henderson stated, that was during the time when the setback was only 30 ft. so the enclosed garage is all right.

Mr. Holzman said he was willing to remove the awning that was constructed by Homecrafters, Inc. It is true that there is room in the rear of the house for placing the awning, but there is no doorway in the back of the house. It would mean going all the way around the house to get to the patio in the rear. He said he left everything up to the home improvement company and he thought they had obtained a permit for the awning.

Mr. Smith suggested putting sliding doors in the rear of the house and then putting the awning on that side.

Mr. Holzman said there are two large windows in the back of the house which possibly could be made into a doorway. He said he did not pay the awning company because they did not conform to their contract.

John A. Holzman - Continued

In the application of John A. Holzman, application under Section 30-6.6 of the Ordinance, to permit awning over existing slab 23.5 ft. from street property lines, Lot 513, Block 15, Section 3, Springfield, (7121 Highland Road), Mason District (R-10) zoning, Mr. Smith moved that the application be denied as it does not meet the section of the ordinance under which it was filed. The contractors constructed the awning without obtaining a building permit in accordance with their contract with the property owner. The contractors should be required to remove the awning or relocate it on the premises in conformity with the ordinance within a period of 60 days. Seconded, Mr. Barnes. Carried unanimously.

078

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WALTER R. REYNOLDS, application under Section 30-6.6 of the Ordinance, to permit erection of three dwellings 30 ft. from street property lines, Lots 23, 24 and 25, Reynolds' Third Addition to Potomac Hills, Dranesville District (R-12.5) V-276-65

A letter from Mr. Reynolds requested deferral to the latter part of April

Mr. Barnes moved to defer the application to April 26 at the applicant's request. Seconded, Mr. Smith. Carried unanimously.

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DOLORES C. FORMAN, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on 4 acres of land, on east side of Route 602, 1.7 miles north of Route 7, Dranesville District (RE-2) S-257-65

Deferred from February 15 to have the Health Department check on the sanitary conditions of housing dogs under the same roof as the applicant's living quarters.

A letter from Mr. Clayton of the Health Department stated that the conditions seemed to be very satisfactory -- the walls and floor are tiled and are easily cleanable, and the Health Department has no objection to the keeping of toy poodles in the conditions shown.

Mrs. Henderson said she had looked at the property and there seemed to be no odor at all from the dogs.

Mr. Yeatman said the dogs had seemed noisy but could not be heard in other parts of the house. In the application of Dolores C. Forman, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on 4 acres of land, on east side of Route 602, 1.7 miles north of Route 7, Dranesville District, Mr. Yeatman moved that the application be approved to allow Mrs. Forman to raise and breed dogs for sale but not to allow boarding of anyone else's dogs. There will be no signs erected on the outside of the property.

Mr. Smith seconded the motion, adding that it is understood that this is granted in conformity with the present arrangement where the dogs are sheltered in the existing dwelling. Motion carried unanimously.

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THREE FRONTIERS, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of a miniature western frontier town -- commercial recreational establishment, on north side of Routes 29-211, adjacent to Hunters' Lodge, Centreville District (RE-1) S-271-65

(Deferred twice previously at the applicant's request in order to work this out with the citizens of the area.)

Mr. Smith said the citizens association in the area had requested deferral of this application as they have just elected a new president and are reluctant to oppose the application until they can get a better picture of the proposed operation. The attorney for the applicant had no objections to deferral. Mr. Everest moved to defer to April 12. Seconded, Mr. Yeatman, carried unanimously.

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THEODORE NAMEY - Request for extension of permit: The Board agreed that Mr. Rossi, the new owner of the property, should be present at the end of the March 22 meeting to discuss plans for the property and if his plans are the same as those proposed by Mr. Namey, the Board could transfer that action to Mr. Rossi.

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Colchester Marina - No one was present and since the Board felt there

March 8, 1966

Colchester Marina - Continued

was a chance that the attorney was not notified to be here on this date, there should be a further extension.

Mr. Smith moved to grant an extension of 30 days - to April 26. Seconded, Mr. Everest. Carried unanimously.

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The Board agreed to take under advisement letters from W. E. Richardson regarding establishment of a private club in an apartment building, and from Richard Waterval regarding a private membership health clinic near Seven Corners.

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The meeting adjourned at 1:00 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

April 11, 1966
Date

079

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 22, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. (Mr. Smith arrived late.) Mrs. L. J. Henderson, Jr., Chairman, presided.

080

The meeting was opened with a prayer by Mr. Barnes.

JOSEPH D. RAGAN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day school, maximum number of children, 25, West side of Rolling Road, (8608 Rolling Road, Mason District,) (RE-1) S-286-66

Mr. Ragan and Mr. Zabriskie were present.

Mr. Zabriskie stated that Mr. Ragan proposes to operate a day school for 25 students ranging in ages from four to six, the primary purpose of which is to serve working mothers. The school would operate until approximately 4:30 p.m. and the school would furnish transportation. This is an ideal location for such a school, no great amount of heavy traffic on Rolling Road, adequate parking facilities and plenty of land for recreation are available. Sewer is coming down Pohick Creek at present, and should be available by 1968. Mr. Ragan, who would be the operator of the school, has had a considerable amount of experience in working with Georgetown Prep in Montgomery County. No one would live in the school building. They will meet any County requirements and hope to operate a well organized, reputable school. They plan to modify or make additions to the present building to accommodate the school.

Mr. Yeatman said he had seen the building and he did not think it adequate for a school. He would like to see recommendations from the Health and Fire Departments before making a decision on this application.

Opposition:

Mr. Richard Chess represented Mrs. McCrory and Mr. Cranford in opposition. They oppose the application on the basis that it would create a nuisance to the neighborhood, would destroy the character of the neighborhood, and would devaluate property. They wish to maintain the present residential character of their area.

Mrs. McCrory stated that her house was only 25 ft. from the school property line, and the proposed parking lot would be below her bedroom window.

Mr. Cranford said he knew the house well as it was built by his brother approximately 35 years ago. It is a very poor house and is not adequate for a school. There is no need for a school in the area, he said, because the children would have to come from four to five miles away. The soil is not good for percolation, and the sewer will be so far away that it would be impractical for the school to go that far.

A lady in the audience noted that the Pohick Church School is only one mile away from this property.

Mr. Zabriskie said he did not know about the septic problem but they intend to do whatever they can to make this a reputable, clean operation. The Pohick Church school is only a half day school, not a facility to accommodate working mothers. As to this area being a residential area, he pointed out a small welding shop only one property removed from that in the application. He presented a petition signed by property owners in Pohick Estates and South Gatewood Subdivision, in favor of the application, and stated that most of the youngsters would come from that area.

The Board pointed out to Mr. Zabriskie that he should have obtained Fire and Health Department approval before coming to this Board. It could be that they would not allow a school in this building, therefore there would be no necessity for filing an application for a use permit.

Mrs. Henderson read a letter from the Southeastern Fairfax County Property Owners Association and from Mr. J. Mason Reed, in opposition.

Mr. Everest moved to defer to April 26 for Fire Marshal and Health Department approval or recommendations. Seconded, Mr. Yeatman. Carried unanimously. (4-0) Mr. Smith was not yet present.

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WASHINGTON GAS LIGHT COMPANY, application under Section 30-7.2.2.1.8 of the Ordinance, to permit erection and operation of a natural gas measuring station, 308 ft. west of Route 661, on south side of a 20 ft. outlet road Centreville District (RE- 1) S-287-66

WASHINGTON GAS LIGHT COMPANY - Continued

Mr. Randolph Church represented the applicant. He located the property on the map, stating that it abuts the existing VEPCO and Transcontinental Pipeline easements, and the closest home would be approximately 800 ft. away. They are utilizing the existing public utility easements in order to cut down on the amount of land needed in this application

Carl Butzner of the Washington Gas Light Company stated that the facility is for supplying the area around Centreville which at the present time has no gas facilities. The station will consist of a 15 x 32 ft. building located on approximately one-third acre of land and will be fenced with a 6 ft. high fence with barb wire around the top. The building and fence will be locked at all times and the station will be unmanned, except for visits several times a month to perform the normal maintenance duties and to read the meter. The building will be screened and will have shrubbery planted around it. There will be no noise, odor, dust or smoke from this facility, and the building will be painted cinderblock.

Mr. Yeatman objected to a cinderblock building and said he would rather build a colonial brick building more in keeping with what may develop in the future.

Mr. Butzner said he did not think the Company would object to doing that.

No opposition.

Mrs. Henderson read the Planning Commission recommendation giving unanimous approval.

Mr. Everest moved that the application of Washington Gas Light Company be approved as applied for, with chain link fence surrounding the property, standard County screening, and the building to be faced with architectural brick. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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RONALD L. McKINNEY, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 36 ft. from Buena Vista Rd., Lots 13 and 14, Hunting Ridge (1610 Great Falls Street), Dranesville District, (R-12.5) V-288-66

Mr. McKinney described the Colonial type house which he proposed to build and stated that although Buena Vista Road has been on the map for years, it does not exist. The house which he wishes to build will have a built in garage.

Mrs. Henderson suggested turning the house around or facing it on Buena Vista.

Mr. McKinney said if he turned it around, it would face into the side of another house.

Mrs. Henderson suggested cutting off 4 ft. of the house but that was not agreeable to Mr. McKinney.

Simply because the road is not open is not a reason for granting a variance, Mrs. Henderson said, it might be opened in the future.

Mr. Everest suggested that if the road were vacated the Board might be able to give the application some consideration.

Since the applicant owns both lots, Mrs. Henderson asked if he were planning the same type house on the other lot. He replied that he could build a different type but it was possible that he might wish to build the same type house which would mean coming back to the Board for another variance.

No opposition.

Mr. Everest moved that the application be deferred to May 10 for the applicant to investigate the possibility of having Buena Vista Drive vacated. Seconded, Mr. Yeatman. Mrs. Henderson voted against the motion. Carried 3-1. (Mr. Smith still not present.)

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CARL L. SCHMITZ, application under Section 30-6.6 of the Ordinance, to permit an addition to service station 33.22 ft. from Leesburg Pike, N.E. corner of Leesburg Pike and Rt. 684, Dranesville District (C-G) V-289-66

Carl L. Schmitz - Ctd.

Mr. Schmitz said he planned to build a Colonial effect brick addition which he felt would improve the station. The rest of it will remain white.

Mrs. Henderson asked if Leesburg Pike had been widened up to this point.

Mr. Schmitz said the widening had been completed.

There was no opposition.

Mr. Everest moved that the case of Carl L. Schmitz be approved as applied for; all other provisions of the Ordinance being met. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

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MERRIFIELD INDUSTRIAL PARK, application under Section 30-6.6 of the Ordinance, to permit erection of buildings closer to property lines than allowed by the Ordinance, property east of Gallows Road on Merrilee Drive, Falls Church District (I-L) V-290-66

Mr. Robert Cotten represented the applicant and reviewed the history of the application. There is a pending zoning application on the property and at the Planning Commission hearing they recommended that it be zoned for multi-family, inasmuch as adjacent property is zoned multi-family. This property was zoned for industrial use one and a half years ago and subsequent to that, residential was recommended. The Planning Commission voted 5 to 3, and thereafter voted to reconsider. On the theory that the setbacks imposed by the Code on industrial land when adjacent to residential property could be waived by this Board, and as long as setback requirements could be waived, they would like to have the action of this Board. The basic problem was in the rezoning of the property. The imposed setback on I-L is 100 ft.

Mrs. Henderson noted that the Board of Supervisors are the ones who made the mistake of zoning a piece of land that can't be used; they created the problem.

Mr. Cotten said they had planned to put industrial buildings on the property but the matter is in such thorough confusion that the plans for further development have been stymied. The plans have not been finally formulated for putting industrial buildings in here.

The Board has already granted a variance for the apartment buildings on adjoining land, Mrs. Henderson said, because of the shape of the land, but she did not think it was up to the Board of Appeals to correct the Board of Supervisors' mistakes by granting variances with no topographical reasons.

Mr. Barnes agreed.

Mrs. Henderson stated that there are only two provisions in the Ordinance where setbacks could be waived -- one topographic, or if the adjoining residential, ~~or~~ in the plan for industrial which obviously this is not.

Mr. Cotten said a ruling was requested from the Commonwealth's Attorney as to whether this Board had the power to waive the setback requirements and he ruled in the affirmative.

Mr. Dennis Duffy, representing Roznski and Kay developers of property immediately adjacent, said they oppose the request and are in sympathy with the expressions made at this hearing.

Mr. Yeatman moved that the application of Merrifield Industrial Park be denied. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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H. P. SEAMON, application under Section 30-6.6.5.4 of the Ordinance, to allow 4 architectural posts 12 ft. apart, two stories high, to be 36.5 ft. from right of way line and the closest point of the second story roof overhang 36.25 ft. from right of way line, with the restriction that the space from the post to the main building cannot be enclosed or otherwise obstructed, Lot 40, Section 3, Hickory Knoll, Lee District (R-12.5) V-291-66

Mr. Victor Ghent represented the applicant. He stated that this was a mistake which he made when he looked at the house plan. There was a patio shown but he did not see the overhang so he had the house staked out.

Mrs. Henderson read a letter signed by four people in favor of the application, and a letter from Mr. Mayor also in favor.

H. P. Seamon - Continued

Mr. Ghent noted that there are no other houses in the subdivision of that same architecture.

There was no opposition.

Because this was obviously a mistake in stakeout of the house and would have been of no benefit to anyone to put the house up this close to save the rear setback problem, Mr. Everest moved that this application be approved as applied for under the mistake section of the Ordinance. All other provisions of the Ordinance are to be met. Seconded, Mr. Yeatman. Carried unanimously. (4-0) Mr. Smith was not yet present.

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M. J. BOWYER, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 13 ft. from side property line, Lot 36, Crystal Springs, (5397 Summit Drive), Centreville District (RE-1) V-292-66

Mr. Bowyer stated that when the house was built, he thought they had left ample room for the garage but somehow during construction of the building, it got moved back farther than was intended and there was not enough room for the two car garage. This location is the only satisfactory location for the garage as the house was set on a crest and no other location would be suitable. The septic tank is located in front of the house.

Mrs. Henderson noted that past policy of the Board has been not to grant a two car garage when a variance is required. Mr. Bowyer could get a 17 ft. carport without any variance and this would be suitable for one car. Because the house was located 5 ft. farther from the property line than Mr. Bowyer wanted it is not a topographic reason for the Board to grant a variance for a two car garage.

Mr. Yeatman suggested putting in a carport with 3 ft. overhang if the posts were set inside the line.

Mr. Bowyer said a one car garage would not be suitable.

There was no opposition.

For Mr. Bowyer's information, Mrs. Henderson read the section of the Ordinance which limits the Board's authority in granting variances.

As it has not been proven that there is not another place in which to put the garage on this property, and he could not see granting a variance of this size, Mr. Yeatman moved that the application of M. J. Bowyer be denied. Mr. Barnes wished the record to show that a 17 ft. garage could be built without a variance, and Mr. Yeatman added that a carport with a 3 ft. overhang could also be built. Mr. Barnes seconded the motion. Carried unanimously. (4-0) Mr. Smith not present.

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REID CONTRACTING CORP., application under Section 30-6.6 of the Ordinance, to permit lot with less width at the building setback line, Lot 6, Section 2, Mill Pond Valley, (9105 Mill Pond Valley Drive), Dranesville District (RE-2) V-293-66

Mr. Reid said he wished to put the proper location of the house on Lot 6 and at the same time solve a problem on Lot 7 which will give them a dedicated right to use the driveway and easement. The line on Lot 6 travels through the area that will be the driveway and front yard area for Lot 7. If he cannot relocate the line, he will have to get an easement for the use of yard purposes for Lot 6 to Lot 7, giving the right to use the variance on Lot 6. The only variance is for the building setback, he continued; the area has not been changed. Everything conforms except the front line which on this particular lot, because of the topography, the house could not be put any place else. The proposed house will have a garage. Actually, all he wishes to do is to change the line; the house will be beyond the requirement of 50 ft. anyway.

Mr. Everest agreed that the whole problem was brought about by the unusual topography of the land, dictating more or less the location of the house.

No opposition.

Mr. Everest moved that the application of Reid Contracting Corp. be approved as applied for because of the unusual topography of the lot; all other provisions of the Ordinance being met. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

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L. R. BROYHILL CO., INC., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 15.5 ft. from side lot lines, Lot 25, Sec. 1, Lake Vale Estates, Providence District (RE-1 Cluster), V-294-66

Mr. Broyhill stated that construction of the house had not been begun yet. The house could be set farther back but it would be undesirable as there are beautiful trees in the rear that would have to come down if the house were moved. The planned location of the house conforms to the other houses on the cul-de-sac and putting it back 10 ft. farther would put the house behind the other houses and make it look out of place.

Mrs. Henderson felt that the intent of the ordinance is met, to have 40 ft. between houses in cluster zoning. This is a pie-shaped lot at the end of a cul-de-sac.

No opposition.

Mr. Barnes moved that the application of L. R. Broyhill Co., Inc. be granted as it meets the requirements of the Ordinance. Seconded, Mr. Yeatman. Carried unanimously. (4-0) Mr. Smith not present.

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MOBIL OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of a service station 12 ft. from Old Chain Bridge Rd., property on south side of Dolley Madison Blvd., and between Old Chain Bridge Rd., Dranesville District (C-G) V-295-66

Letter from the applicant's attorney stated that proper notification had not been given and requested deferral to April 26.

Mr. Barnes moved that the application of Mobil Oil Company be deferred to April 26 at the applicant's request; seconded, Mr. Yeatman. Carried unanimously. (4-0)

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, hrs. of operation 9:00 a.m. thru 3:00 p.m., approx. 90 children, kindergarten thru fourth grade, Lot 501, Bridgehaven, (8900 Bridgehaven Court), Mt. Vernon District (R-12.5) S-297-66

Mrs. Frazer stated that her present school in the church has been in operation for five years and the school has reached what they consider their maximum size. The church in the meantime has grown from their small church and have doubled the size of their building. Now, there is not enough room in the church for the school and the church activities that go on four days a week, so she has to look for a new location for the coming school year. This particular house is adaptable for a school. There are 1 1/2 acres of ground, the house is large, and the main floor of the house would be very usable for school use. Few houses have these large rooms. This would be a very central location for a school, with access from two directions. There would be five year olds to approximately ten year olds in the school, kindergarten through fourth grade. The second, third and fourth grade children would come to school at 9:00 a.m. and leave at 3:00 p.m. while the kindergarten and first grade children would come at 9:00 a.m. and leave at 12:30 p.m. All day children would bring their lunches. The school would furnish transportation. They have four vehicles; only two of them would remain on the school property all day.

Mrs. Frazer stated that she had considered locating in another church but either they had their own schools or did not have enough room for her needs. Some churches do have kindergartens, but few of them go into first grade and up.

Mrs. Henderson asked if Mrs. Frazer had considered buying some land and building her own school building?

Mrs. Frazer replied that she had found some land and had planned a building with a residential appearance, however, was not able to finance the building for the school.

Mrs. Henderson noted that she had received many letters both in favor and in opposition.

Opposition:

Mr. Tom Monahan, representing adjacent landowners, said they were sympathetic with private schools but they oppose a school in this location for the following reasons -- a school would have a detrimental effect on their area; the cul-de-sac on which the house is located is not designed for the heavy traffic which the school would generate; there are no sidewalks in the area for pedestrian traffic; and no natural buffer to

MILDRED W. FRAZER - Ctd.

protect the neighborhood from any noise, etc. from the school operation. Mr. Monahan reviewed Mrs. Frazer's previous applications before this Board, all of which were granted except the one in the Sleepy Hollow Subdivision and stated that he felt the reasons for denying the one in Sleepy Hollow were more magnified in Bridgehaven -- there is no through street, no sidewalks. He presented petitions with 249 signatures in Stratford Landing community, and noted that there is a public school planned by the Planning Commission closer to this community.

Capt. Greene asked that the application be denied -- if the application is denied, he said, no one will suffer; if approved, it could have an adverse effect upon their community.

Mr. William Durling, representing Mr. and Mrs. Dwight Danue, owners of Lot 5, Section 3, said he would incorporate all statements made by Mr. Monahan. There is no need in the community for such a school. The impact on the community would be disadvantageous. The traffic would create additional hazards and the parking space might be insufficient for P.T.A. meetings and such. There is an existing sewer problem, and flood plain on the other side of the property with stagnant water standing. The citizens in the community oppose the noise and nuisance which would come about with the granting of the school. Traffic going in and out three times a day would create noise, confusion and dust. There are restrictive covenants on the property restricting fences and annoyances to the neighborhood. Outlot A is a 15 ft. wide, 179 ft. long strip of land that presumably was reserved for a way out of the landlocked Bridges lot in the middle of the area, with Outlot B on one side of it and Outlot A on the other. This may have been done so there would be a way out of the landlocked lot if Outlot B were sold. Outlot A is not large enough for access although it has been used as a dirt road. It does not provide room for passage of two vehicles at any one time. There is no room for walkers, much less four school vehicles three times a day. It is entirely unsuitable for an entranceway to the school. Also, they questioned whether Mrs. Frazer anticipated an increase in the number of pupils in the future - if so, this would be a much more serious situation. He urged denial of the application, but if it is granted, urged that outlot A not be used as entrance and exit to the school.

Capt. Sheelfry of River Bend Estates also opposed the school.

Mrs. Frazer, in rebuttal, stated that no one would live in the house during the first year of operation but in following years, if the public schools take over kindergarten, there would be room in the house for her and her husband to live in the house. Their daughter has one more year in high school and when she goes to college, the Frazers could move in. She read the restrictions on the property from her copy of the covenants.

Mrs. Henderson said it seemed to her that granting the school would violate the first point in the covenant. The covenant is a reasonable one and is in the public interest. This application would violate that.

Mrs. Frazer stated that she had no intention of enlarging the school. There would be no operating during summer months, no unsightliness, and any of their activities would take place on the rear of the lot. The people in the rear who would be most affected, have told her that they do not oppose the school. The open sewer that the opposition spoke of is not on her property. As to Outlot A, it is part of her purchase as one piece of property.

Mrs. Henderson told Mr. Bridges that she felt he had misled Mrs. Frazer. He has indicated that the houses are for single-family occupancy in his restrictive covenants, and even though Mrs. Frazer might live in the house at some future time, to grant the school application now, with no one living there, changes the character of that building - no longer is it a single-family dwelling. She felt that he was attempting to violate his own covenants by selling this lot for a school.

In the application of Mildred W. Frazer, Mr. Smith moved that the application be denied because it does not meet the section of the Ordinance under which it was filed. The number of students that Mrs. Frazer proposes is a greater number than should be imposed upon this area of single family dwellings and no residential manager or anyone living on the premises. Also the seller of the property has caused to be placed upon these lots covenants or restrictions and sold several homes in the area to people based upon this; breaking faith with these people by trying to establish or even being a party to trying to establish a school of this size among these people who bought homes or lots here; all other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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HIGH POINT SWIMMING POOL, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool and other recreational facilities, on outlet road, N. off Woodland Drive, adjacent to Ellison Heights Subdv. and Route 66, Dranesville District (R-10) S-298-66

Mr. Henry Mackall represented the applicant. He stated that they were providing 170 parking spaces in compliance with County requirements. He located the area in which their members would be located. They have 78 members at the present time. They plan to have a swimming pool and bath house and perhaps in the future, if there is enough room, and enough interest by their membership, perhaps a tennis court. There is no money for the tennis court at the present time, they are more interested in getting the pool operating.

Mr. Smith pointed out that 170 parking spaces might not be enough with 500 members, and not many of them will walk to the pool, and if additional parking is needed in the future, the Pool Association will have to provide it.

Mr. Mackall said they would have a snack bar and refreshment area but no foods would be prepared on the premises. They would have pre-packaged sandwiches and drinks from vending machines. There are 3.7 acres of land in the application.

A gentleman in the audience who did not identify himself stated that his children would walk the 7 or 8 blocks to the pool and he was in favor of it.

No opposition.

In the application of High Point Swimming Pool, Inc., Mr. Smith moved that the application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool with tennis courts included if possible, bath house and refreshment stand, refreshments to be limited to prepackaged foods vended from vending machines, on outlet road, north off Woodland Drive, adjacent to Ellison Heights Subdivision and Route 66, Dranesville District, ~~that the application~~ be approved as applied for with the understanding that all provisions of the Ordinance be met in connection with building setbacks, parking, and that the parking be at least 170 spaces provided, prior to opening of the facility, to be for community use; a non-profit swimming pool. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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ROSSI-NAMEY: Mr. Cerioy representing Mr. Rossi, stated that his client bought the property from Mr. Namey last summer. He would like to build a house on the other lot but was not financially able to do it at this time. Therefore he would like an extension of the permit. He proposes to do the same as Mr. Namey had proposed when he received the permit from the Board.

Mr. Yeatman moved to grant an extension on Lot 2A of six months, to allow Mr. Rossi an opportunity to obtain a building permit and start construction as per original variance. Seconded, Mr. Everest. Carried unanimously. (5-0)

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Mr. Waterval, representing owners of land at Seven Corners proposing an office building on C-G property, stated that one of the tenants of the proposed building wants to bring in a health clinic with a swimming pool. It would be a downtown athletic club sort of thing, for adults only. Monday, Wednesday and Friday would be for men and the other days for women. Membership only. This will be a private, profit making corporation.

After more discussion, the Board's consensus was that this is a clinic and permitted by right.

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AMERICAN OIL COMPANY - Cedar Avenue and Franconia Road: Mr. Everest moved that the original use permit granted April 1965 to American Oil Company be extended to April 1967. Seconded, Mr. Yeatman. Carried unanimously. (5-0)

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The Board agreed that the application of Dorothy B. McLean should be readvertised and reposted.

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March 22, 1966

The Board discussed a letter from Mr. John Ninion Beall, expressing his desire to erect a canopy over his gasoline pumps, but made no decisions.

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BLUE & GRAY POST, VETERANS OF FOREIGN WARS - Sideburn Road, near Zion Road: The Board agreed that they be allowed to open with 125 parking spaces and try it for one year, but if at any time this is not adequate to take care of the use, they must provide additional space.

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The meeting adjourned at approximately 4:30 P.M.

By Catherine Gribok and Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

June 9, 1966
Date

087

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 12, 1966 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Everest. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The meeting was opened with a prayer by Mr. Smith.

WARREN W. AND RITA A. RITTER, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 13.7 ft. from side property line, Lot 20, Oak Ridge Subdivision, (2332 Addison St.) Providence District (RE-1) V-307-66

Mr. Ritter stated that he wished to put an addition on the back and side of his house. It is not possible to put the addition on the other side because of the septic tank and well locations. At present there are two small bedrooms in the house which would be combined into one later on if the application is granted. They have two small boys and need the additional space. They moved into the house in 1961 and their family has grown since that time. The bottom section of the proposed addition will be a two car garage and above it will be two bedrooms, and later on a bath and office. Below that would be the dining room and play room as they do not have a basement.

Mrs. Henderson suggested having a one car garage and moving the addition further over in back of the house.

There is a large picture window on that side, Mr. Ritter said, and since there are only two windows in the living room, they need the light from this window.

Under the 15% allowance, Mr. Woodson said Mr. Ritter could locate the addition within 17 ft. of the line.

No opposition.

In the application of Warren W. and Rita A. Ritter, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 13.7 ft. from side property line, Lot 20, Oak Ridge Subdv., (2332 Addison St.), Providence District, Mr. Smith moved that the application be approved as applied for in conformity with the plat submitted with the application. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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WOODLAWN NATIONAL BANK, application under Section 30-6.6 of the Ordinance to permit erection of temporary trailer to be used as a branch bank office 15 ft. from right of way line of Hummer Rd., Americana Fairfax Commercial area, on west side of Hummer Rd., approx. 1/2 mile south of Route 236, Falls Church District (C-D)

Messrs. Cyrus Ansary and William Newkirk represented the applicant. This will be a branch office of the Woodlawn National Bank, Mr. Ansary explained, and they have already had the location approved for the bank. However, until the shopping center has been completed, they wish to have a temporary bank in a trailer, out of the way of the working crews. It is necessary that they start operating as soon as possible, otherwise, they might have to abandon their franchise. The developers have promised them that they can move into their permanent facility in October. The Comptroller granted this location to them approximately six months ago and basically they have to follow the State requirements. This is strictly a temporary operation. The trailer will be removed from the property as soon as they move into their permanent building.

No opposition.

Mrs. Henderson read a letter from Mr. Massey regarding the request, stating that the Board of Supervisors had granted a waiver of all site plan requirements in connection with this temporary use.

In the application of Woodlawn National Bank, application under Section 30-6.6 of the Ordinance, to permit erection of temporary trailer to be used as a branch bank office 15 ft. from right of way line of Hummer Road, approximately 1/2 mile south of Route 236, Falls Church District Mr. Yeatman moved that the application be granted for a period of 12 months. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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GROVETON BAPTIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 22 children, 5 year olds, Lots 1 and 2, and parcel, Groveton Baptist Church property, (6511 Richmond Hwy.), Mt. Vernon District (R-10) S-296-66

Mr. James Abernethy, Chairman of the Committee operating the school, and Mrs. Abernethy represented the applicant, stating that the school would serve the entire community. It would be limited to 22 youngsters, all five years old. There would not be a first grade. The hours would be from 9 a.m. to 12 noon, five days a week; no afternoon classes. If there is a request for a larger number of children after the first year, they might ask for an extension for the second year as there is plenty of room in the church for this purpose.

No opposition.

In the application of Groveton Baptist Church, application under Sec. 30-7 2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 22 children, five years old, Lots 1 and 2 and parcel, Groveton Baptist Church property (6511 Richmond Highway, Mount Vernon District, Mr. Smith moved that the application be approved as applied for; hours of operation 9 a.m. to 12 noon, five days a week This is pre-school instruction for five year olds. All other provisions of the Ordinance must be met. The applicant shall submit the names and telephone numbers of those responsible for the school to the Zoning Administrator and he should be notified of any changes. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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L. R. BROYHILL, INC., application under Section 30-7.2.7.1.1 of the Ordinance, to permit erection of club house, bath house, swimming pools, two athletic fields, playground and parking facilities, Parcel A, Sec. 1, Lake Vale Estates and Parcel B, Sec. 2, Parcel C, Sec. 3 and outlot A, Section 2, Newton St. off Vale Road, Providence District (RE 0.5) S-299-66

Mr. Broyhill stated that this recreation area would be for the residents of the development and would be strictly picnic tables, hiking and swimming -- no camping. This is set up as a non-profit corporation called the Lake Vale Estates Community Association and will be operated by the board of directors elected by the Association. The Corporation will be composed of the owners of approximately 283 lots. Broyhill Company will operate this until such time as there are a sufficient number of people in the development who can operate it themselves. A portion of land has already been deeded to the Corporation and when this is approved it will also be deeded. There is another section that will probably be added later on.

Mr. Rust explained that this was a part of the cluster development. Parts of the recreational area have already been deeded to the community and other land will be deeded when Broyhill gets the land released from financial commitment. Everyone purchasing lots in the subdivision will be able to participate in this operation.

Mr. Broyhill stated that when a person purchases a home in the subdivision, they become a member of the Corporation and the fee is included in the purchase price of the home. If the house is sold, the new purchaser is required to make application for membership in the community association and automatically becomes liable for his share of maintenance costs and taxes, whether he elects to use the facility or not; this is a covenant that runs with the property. If they do not pay, the County can file a tax lien on the property for the amount which they are required to pay. Some of the land is shown on the plat as "future" - this is because they would like to get the use permit and have the members develop it later, whenever they are able to do it. The Broyhill Corporation will build the swimming pool and club house and give it to the Association without cost, and will make available by clearing, etc. the baseball fields and such as shown on the plat. The stables will not be built right away; they do not know how many horses can be anticipated. The lake that is shown is already stocked with fish and there are 82 parking spaces shown, with an additional 50 spaces on the other plat, Mr. Broyhill said.

Mr. Smith asked that the Zoning Administrator be notified of names and telephone numbers of officers of the organization, and any changes that are made.

Mrs. Henderson suggested that the hours of operation should be from 9 a.m. to 9 p.m.

Mr. Broyhill said three members of his corporation would be directors of the organization for five years and as soon as a sufficient number of people can get together and elect their own directors, and take this over themselves, the Broyhill representatives would resign.

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There would be no snack bar, Mr. Broyhill continued, any food that would be dispensed would be by vending machine, however, there are no plans for food at this time. This will be strictly a swimming pool, bath house and club room. There is an old house on the property which they have considered renovating for the club house where the community can hold normal community functions. The Broyhill Corp. will provide the building - the community will operate it.

Mr. Smith suggested restricting the club house hours of operation from 9 a.m. to 11 p.m. and if the Association wishes to change it, they could ask the Board through the Zoning Administrator.

No opposition.

In the application of L. R. Broyhill, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of club house, bath house, swimming pools, two athletic fields, playground and parking facilities, Parcel A, Section 1, Lake Vale Estates and Parcel B, Section 2, Parcel C, Section 3 and outlot A, Section 2, Newton Street off Vale Road, Providence District, Mr. Smith moved that the application be approved as applied for, with the only restriction being placed on the use of the club house itself. It is understood that this is being developed in conformity with the RCN cluster plan and that the recreational area and its use will have membership confined to purchasers of lots in these subdivisions. They will have complete control and will be responsible for its operation and its maintenance for the good of the community. Pool hours will be from 9 a.m. to 9 p.m. and use of the club house from 9 a.m. to 11 p.m. If other uses are made of it, the Association will make application to the Board through the Zoning Administrator for additional uses. Seconded, Mr. Yeatman. Carried unanimously.

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L. R. BROYHILL, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage lift station, Outlot B, Section 2, Lake Vale Estates, 1400 ft. SW of Newton Street and Oak Valley Drive, Providence District (RE 0.5) S-300-66

This has already been approved by the Board of Supervisors, Mr. Broyhill stated, and the outfall sewer section has already been completed. Now they wish to put in the lift station itself.

Mr. Fred Wilburn, engineer, stated that this would be a concrete slab structure and the only thing aboveground would be the standby unit maintained on a concrete slab. This will be a packaged unit and the majority of it will be below surface. Aboveground would only be the auxiliary unit, roughly a 4'x6'x4' cinder block building. This is to serve the total watershed, approximately 585 acres.

Mr. Broyhill said they will have to come up with a lift station sufficient to take care of the entire watershed and have to fulfill the requirements of the Sanitation Department.

No opposition.

The Planning Commission recommended approval of the application.

In the application of L. R. Broyhill, Inc., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of a sewage lift station, Outlot B, Section 2, Lake Vale Estates, 1400 ft. SW of Newton Street and Oak Valley Drive, Providence District, Mr. Smith moved that the application be approved in view of the Planning Commission's recommendation. Seconded, Mr. Yeatman. Carried unanimously.

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7 CORNERS MEDICAL BUILDINGS, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sales of used and repossessed automobiles and trucks (not exceeding 1 1/2 ton capacity) on approximately 28,305 sq. ft. of land; screening will be provided from surrounding neighborhood in accordance with site plan ~~approval~~ requirements; Lot 4, Sec. 7, Hillwood, Falls Church District (C-G)S-301-66

Mr. Richard Waterval represented the applicant. He stated that the property has been zoned for commercial use since 1941. The applicants wish to have a used car lot on the property without the expense of having a permanent type structure as they are not in the automobile sales business. The applicants are doctors and this property is a real estate investment. They have constructed a private road to relieve traffic congestion on Castle Road, at no cost to the public. The public is free to use the road and does use it. The applicants have an interest in a local bank and have been approached by a number of other banks requesting this operation. The banks have a problem; they lend money on chattel mortgages and sometimes have to take the automobiles back and parking them on valuable bank space is a practical problem. In this application there

7 Corners Medical Buildings, Inc. - Ctd.

would be 44 parking spaces on a half acre of ground for displaying repossessed autos by banks. It was the banks' interest that sparked his clients to seek this used car lot, Mr. Waterval continued. The banks will pay $1.00 a day to park the cars, the applicants will sell the cars for the banks, and store cars as well, and will get a commission on the sales. They are going into the used car operation in the full sense of the word. The lighting display would be played down and the hours would be limited to 8:30 or 9:00 p.m. Lighting would be oriented away from residential areas. They propose a stockade fence as shown on the site plan submitted with the application. The ground on all sides of the property is vacant. All automobiles will be in first class running condition. He requested that the permit be granted for one year, with renewal at the Board's pleasure, provided they have lived up to their commitments. This is not a permanent thing. They would have a total of 67 parking spaces on the property including parking for employees.

Mr. Yeatman said he did not like to see temporary uses -- he believed there was adequate financing available to put something permanent on the property. He did not think there would be any objections from anyone in the area to a permanent structure.

Mr. Smith pointed out that the Wissinger and Koons automobile dealers give residents of the area many used motor vehicles to choose from. If this application were granted, it would be a concentration of automobile dealers in the area, and he wondered whether this were compatible and in harmony with area development.

It is not inconsistent with what is already there, Mr. Waterval replied.

Mrs. Henderson was concerned about access to the property and felt that creating more turns across Route 50 was not a good situation.

Mrs. Pace spoke in favor of the application, saying she had owned the adjoining property since 1937. At first they intended to build there, but after the war the area had grown so commercial they gave up the idea.

Opposition:

Mr. Shadyac represented the Sleepy Hollow Citizens Association. The property backs up to one of the finest residential areas in Northern Virginia, he said, and the citizens have three basic objections: drainage, density and traffic problems.

Mr. Al Samansky, owner of Lots 26 and 27, Hillwood, felt that placing such an operation in the area would erode the value of residential property and ruin the character of the neighborhood.

Mr. Alexander Yourich spoke in opposition because of inadequate drainage; the catch basins are already filled up with dirt and the used car lot would create more water.

Mr. Yeatman informed Mr. Yourich that the applicant could put up an automobile showroom, a permanent structure, and do it as a matter of right.

Mr. Waterval stated that his clients are also members of the Sleepy Hollow Citizens Association and they knew of no meeting called for the purpose of opposing the application. He felt that by the Board granting the application, rather than doing it as a matter of right, it could be more closely supervised and the permit could be limited to one year. He asked to modify the application by requesting that they be allowed to use half of the lot in question.

Mr. Smith said he was reluctant to granting used car lots on a temporary basis -- this is permanent C-G property and should be developed as a permanent thing.

In the application of SEVEN CORNERS MEDICAL BUILDINGS, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to permit sales of used and repossessed automobiles and trucks on approximately 28,305 sq. ft. of land, Lot 4, Sec. 7, Hillwood, Falls Church District, Mr. Smith moved to deny the application as it could have an adverse impact upon the area. The Board is being asked to extend used car operations down Route 50 and this could develop into a very unsightly condition. It does not conform to the section of the Ordinance under which the application was made. Seconded, Mr. Yeatman. Carried unanimously.

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The Board adjourned for lunch at 1:00.

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April 12, 1966

JOSEPH A. VELARDI, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctors offices in residence, Lot 122, Section 3, Rolf Heights, (7006 Justine Drive), Falls Church District (R-12.5) S-302-66

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Mr. Roy Spence represented the applicant who was also present. Dr. Velardi has occupied the property since July 1957, Mr. Spence stated, as a residence, and as an office where he practices dentistry. Since 1957 his family has grown to five children with only three bedrooms in the house. He needs more room for his family and his practice. In Dr. Velardi's office besides himself are one receptionist, one hygienist and one assistant who comes in one day a week. Parking is located on a corner of the property on a small blacktopped lot. However, if this permit is granted, part of the parking lot will be covered up to retain more of a residential appearance. They have parked at the A&P lot across the street since 1958 with no complaints, so parking would be no problem. Very little change would be wrought by this application -- there would be one additional doctor and two other persons moving into the building. There would be no change in the appearance of the building except to cover up part of the existing parking lot in front. There would be a total of six persons in the building while the doctor's office next door to them has nine. In this particular section of Annandale there are no available offices; there might be some at Maple Street but it would be harmful to move Dr. Velardi's practice to some other location. The applicant has been in this location for about nine years, living in the upper part of the building, with office downstairs.

There is no mention of "dentistry" in the Ordinance, Mr. Smith said, and he questioned whether dentistry can be defined as "general practice of medicine".

Speaking from the medical standpoint, Mr. Spence said, there is no difference between dentistry and medicine. He had done research and had found several cases which proved this, none of which were in Virginia, however.

All this Board has to go on are the terms of the Ordinance, Mrs. Henderson stated, and even if the Board agreed on the definition of dentistry and medicine, how could the applicant possibly meet the parking requirements?

He could park in the back yard if it had to be, Mr. Spence said.

One of the arguments in 1958 was that there was no office space anywhere around the County, Mrs. Henderson said, and that certainly is not true today. She said she also felt that the use of the house was being changed by bringing in a medical doctor; it becomes more than a dentist expanding his office space, it becomes a small clinic. She suggested putting an addition onto the house to take care of the family. If this were not located on a corner lot, he might have room to solve the parking problem, but this lot has two front yards and two sides -- there is no rear yard.

No opposition.

Dr. Velardi said he felt that granting the application would be a good thing. It would create a buffer zone between the commercial operation across the street, and the residential area.

That is up to the Board of Supervisors, Mrs. Henderson said, perhaps they should rezone this and also Dr. Barsanti's property to C-O.

Dr. Velardi said the neighbors are in favor of his application. The medical offices would be located upstairs and his office would remain in the lower part of the house. As to putting on an addition for his family, the carport and porch have already been enclosed and to add more to the building would not be practical.

The Board of Appeals has no authority to waive parking requirements, Mrs. Henderson said.

Mr. Smith suggested putting a third floor onto the house, bringing the height to 35 ft. and then the doctor could still live here and have his office here. This is a situation now where Dr. Velardi is operating under the 1958 Ordinance and he is permitted to do this; he has his own parking. It is unfortunate that the family and the practice have grown where he apparently does not have room.

In the application of JOSEPH A. VELARDI, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's offices in residence, Lot 122, Sec. 3, Rolf Heights (7006 Justine Drive,) Falls Church District, Mr. Smith moved that the application be denied as the applicant does not meet the criteria set up for this type of use in a residential area. Seconded, Mr. Barnes. Carried unanimously.

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M. C. WHITE, application under Section 30-6.6 of the Ordinance to permit

M. C. WHITE - Ctd.

erection of addition to dwelling 5.9 feet from side property line, Lot 38, Block E, Bucknell Manor, (6700 Cavalier Dr.), Mt. Vernon District (R-10) V-303-66

Mr. White stated that he wished to build a garage with one room over it to come within 5 ft. of the line. The houses across the street have garages within 5 ft. of their lines. He has lived in the house since 1956.

At that time, Mrs. Henderson pointed out, the applicant could have put a carport or garage within 8 ft. of the line. She asked if the size of the carport couldn't be cut down.

A ten foot garage would not be big enough, Mr.White said. He plans to make a living room over the garage, make the present living room into a dining room, and then he would have three bedrooms. These are 60 ft. lots.

No opposition.

Mr. Smith suggested cutting the garage size down to 14 ft. outside dimensions which would bring the applicant within 5.9 ft. of the property line. It would be a 2 ft. variance.

Mr. White said that would be agreeable.

In the application of M. C. White, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 5.9 ft. from side property line, Lot 38, Block E, Bucknell Manor (6700 Cavalier Drive), Mt. Vernon District, Mr. Smith moved that the application be granted to allow the addition 5.9 ft. from the side property line. Seconded, Mr. Barnes. Carried unanimously.

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ERNEST L. LESTER, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than required, proposed Lot 1, Ernest L. Lester property, NE corner of West Ox Rd., Rt. 608, and Interstate Route 66, Centreville District, (RE-1) V-305-66

Mr. Richard Chess represented the applicant. West Ox Road has been widened, he stated, and this property is in two parcels. There is a vacant house on 13,000 sq. ft. The Board of Supervisors granted a waiver on the frontage requirements of one lot and Mr. Lester intends to remove the existing structure and put a house on each lot. He has 115 ft. at the building setback line, however, because of the service road, this is being treated as a corner lot and requires 125 ft.

No opposition.

Without the variance, Mr. Smith said, the applicant could only utilize one portion of the land and he thought it incumbent upon the Board to try to alleviate the hardship since it was caused by widening #608. Therefore, in the application of Ernest L. Lester to permit division of property with less frontage than required, proposed Lot 1, Ernest L. Lester property, NE corner of West Ox Road (Rt. 608) and Interstate Route 66, Centreville District, Mr. Smith moved that the application be approved as applied for and that the variance be granted as shown. Seconded, Mr. Barnes and carried unanimously.

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STANLEY SEIDMAN, application under Section 30-6.6 of the Ordinance, to permit erection of town houses closer to front lines, side lines and rear lot lines, minimum lot size requirement, variance on regulations requiring all dwelling frontages to be on state accepted roads, Village Greene, Lee District (R-T) V-305-66

Mr. Bernard Fagelson represented the applicant, and Mr. Corson, engineer, was also present.

Mr. Rust stated that the applicants had been working with the Planning Staff on this problem. Again, here is a problem with the present R-T Ordinance. The Planning Commission will hold a hearing on a new townhouse ordinance approximately two months from now and the design and layout presented by this applicant was laid out in accord with the proposed RTC Ordinance.

Mrs. Henderson objected to wholesale variances when the proposed amendment is possibly three months away; this is the second such application. Suppose the proposed amendment does not pass? Suppose new regulations are drawn up?

STANLEY SEIDMAN - Ctd.

If the RTC Ordinance were approved as proposed, Mr. Rust stated, these people would not be here today; they could meet all the aspects of the Ordinance if adopted as proposed.

Mr. Fagelson described the variances requested: 20 ft. setbacks in front instead of 35 ft.; 25 ft. rear setbacks instead of 40 ft; and 15 ft. side yard setbacks instead of 20 ft. in various groupings. They are also asking a variance on the minimum lot area on some lots, to 2,000 sq. ft.; the average will be 3,600 sq. ft. They are not asking for a greater density than they are permitted but are asking for more flexibility. The ten units set up by the present ordinance are not realistic.

The requirements in the proposed ordinance are less than that, Mr. Rust explained. There is no minimum lot width requirement, no minimum lot size requirement -- the only restriction on density is ten units per acre rather than lot sizes. Front yard requirements in the new Ordinance are 10 ft. - the applicants are requesting 25 ft. Rear yards in the new ordinance are 20 ft.; the applicants are asking for 25 ft. This is the least amount of variance they can use.

Why have some town houses been built under the present Ordinance, Mrs. Henderson asked, if it is unworkable?

None have been built with the exception of a few small ones, Mr. Rust answered. London Towne is the only one meeting the Ordinance and that is because they have the extra land. Old Belle Haven Towne and the townhouses off Glen Carlyn Road went to the Board of Supervisors and have the coverage waived - there have only been four town house projects of any size. London Towne has long narrow lots so they can meet the lot average requirement. They plan to resub the plan as soon as the RTC plan is revised.

These town houses will sell for approximately $23,000 each, Mr. Fagelson informed the Board.

No opposition.

In the application of STANLEY SEIDMAN, application under Section 30-6.6 of the Ordinance, to permit erection of town houses closer to front lines, side lines and rear lot lines; minimum lot size requirement, variance on regulations requiring all dwelling frontages to be on State accepted roads, Village Greene, Lee District, Mr. Smith moved that the application be approved as applied for with minimum of 25 ft. rear and front yard requirements; 15 ft. side yard requirements, minimum lot size of 2,000 sq. ft. and lots averaging out to be 3,600 sq. ft., 10 units per acre as now in the existing ordinance. It is understood that this is another situation where the present town house ordinance is not workable and developers are endeavoring to meet the proposed town house ordinance that has been under study now for several months. It is hoped that the proposed ordinance will eventually be approved by the Planning Commission and Board of Supervisors and this would be a conforming situation at that time. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN W. & FRANCES K. CLAYTON, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, on west side of Route 643, approx. 1/2 mile south of Route 644, Mason District (RE-1) V-308-66

Mr. Clayton stated that he has a small dwelling on ten acres and would like to sell the house to some friends along with one acre. Due to the location of the house, which is practically centered in the frontage of the property, it will not leave a minimum of 150 ft. at the 50 ft. setback line. They have tried to stretch this out to the widest point possible before asking for the variance but it comes to only a little more than 119 ft. There are two houses on the property; they will retain the house in which they live and the other nine acres.

The placing of two houses on the property certainly justifies the application, Mr. Smith stated.

Mr. Clayton said he had no intention of utilizing Parcel 1 for building.

No opposition.

In the application of John W. & Frances K. Clayton, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, west side of Rt. 643, approximately 1/2 mile south of Rt. 644, Mason District, Mr. Smith moved that the application be approved as applied for. This is actually a division of more than 9 ac. of land. Because of the narrowness of the

John W. & Frances K. Clayton - Ctd.

front portion of it, two houses are now constructed and the applicant desires to dispose of one house and one acre of land. This division is necessary in order to do that. Without the variance it would be impossible. The applicant is entitled to relief and the variance should be approved as applied for. Seconded, Mr. Barnes. Carried unanimously.

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CAMELOT COMMUNITY CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool and other recreational facilities, on south end of Balin Ct. adjacent to Lots 238 and 239, C amelot, Falls Church District (R-17 Cluster) S-309-66

Mr. E. B. Wright, President of the Club, stated that the Corporation will be a non-profit corporation with the title to the property given them from Minchew Corporation. They now have 106 members and the by-laws limit them to 260 memberships. He showed a picture of the proposed bath house which he said was in keeping with the construction in Camelot. All activities would be in keeping with the charter of the Club which would be recreational facilities for the community -- probably tennis courts, basketball and badminton, but no desire at this time for having this made a part of the granting; this is something for the future.

Mr. Wright read a letter to the Secretary of the Corporation, stating that the Park Authority has reviewed the location of the proposed Club and have no objection provided County regulations are met during construction. They have also stated, Mr. Wright continued, that the Park Authority might put in foot bridges to make the property more accessible. Hours of operation would be from 9 a.m. to 9 p.m. There are approximately 244 homes to be built in Camelot. They have also gone into Camelot Heights for membership; this is adjacent to the Minchew development.

Mr. Smith asked if any purchaser of a home in Camelot would be eligible for membership in the organization purely by virtue of the fact that he bought a home.

He might be passed on by the Membership Committee, Mr. Wright replied. If he had belonged to a previous club, for example, and was not a good member, he might be turned down for membership in this Club.

Basically these operations were designed to furnish recreation to people in subdivisions and for its people only, Mr. Smith said, and he understood that the membership would be open to any purchasers of homes in the subdivision and none would be denied this right.

In the Broyhill application heard earlier in the day, Mrs. Henderson said there would be an assessment on every house, whether or not its occupants use the facilities; this Club would be for members only. She said she would like to study this further.

Mr. Smith felt that anyone buying a home in the subdivision should be allowed to use the facilities and if there has to be an assessment for pool use, then they would have to pay the assessment. Bringing in members from Camelot Heights would be a violation, he felt, these facilities are solely for the use by the people in this particular subdivision.

Mr. Wright said there was a covenant on the property stating that they must make the facilities available to all the people of Camelot and if they do not wish to join, the services can be offered to someone else.

Mr. Yeatman felt the application should be deferred to allow the applicants to work out some regulations and set up some by-laws. He moved to defer the application to April 26 for further study; seconded, Mr. Barnes and carried unanimously.

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VIRGINIA ELECTRIC & POWER CO., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection, operation and maintenance of ground transformer station, 1516 Sunset Hills Road, N. side of Sunset Hills Road, approx. 1900 ft. E. of Rt. 602, Centreville District (RE-2) S-306-66

Mr. Randolph Church represented the applicant.

VIRGINIA ELECTRIC & POWER CO. - Ctd.

Mr. Church stated that the sub-station is proposed to serve Reston. VEPCO purchased 3 1/2 acres from Reston and they propose to occupy 2.079 acres with the sub-station. About one half of the lot is presently occupied by the transmission line; he located the 100 ft. TRANSCO right of way line coming through the property. Most of the land is already zoned C-G and a use permit is not required for that portion of the property.

Mrs. Henderson showed pictures of several enclosed substations throughout the country and asked if VEPCO had thought of using any of these?

An inside structure would not be feasible for a substation of this size, Mr. Church said.

Mr. R. W. Carroll, Assistant Manager of the Fairfax Office of VEPCO, stated that all of the area involved will be occupied by electrical equipment. This will be a major station to supply Reston and will provide all of the power for the proposed 75,000 people in the Reston Subdivision itself plus possibly another 35,000 planned for that area.

This property is in the Master Plan as industrial property, Mr. Church said.

Mr. McKenzie Downs, real estate broker and appraiser, said he had made a study of the area and he felt the station was definitely in keeping with the plan for development for Reston, being in an area set up as industrial, and in keeping with the present Ordinance. There would be no adverse effect on existing or proposed development of the immediate vicinity. There are no actual residences in the area. This is located near a golf course, industrial development and a distillery.

Mrs. Henderson noted Planning Commission recommendation for approval.

This is an ideal location for a transmitter of this size, Mr. Smith said, and basically it is installed to serve the area immediately adjoining it. It is in an industrial and commercial area and meets the criteria set up by the Ordinance and for that reason he moved that the application of VIRGINIA ELECTRIC & POWER COMPANY, application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection, operation and maintenance of ground transformer station, 1516 Sunset Hills Road, north side of Sunset Hills Road, approx. 1900 ft. east of Route 602, Centreville District be approved as applied for in conformity with County and State regulations. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

EDWARD WILLIAMS & OBIE HARRUP (Mt. Vernon House of Furniture), application under Section 30-6.6 of the Ordinance, to permit erection of an addition to existing store closer to front and rear property lines, (6801 Richmond Highway), Mt. Vernon District (C-G) V-285-66

(Deferred from another meeting to view the property.)

Mr. Smith felt that granting the application would help clean up the area and establish a good business there. It would be an asset to the community. He moved that the application of EDWARD WILLIAMS & OBIE HARRUP (Mt. Vernon House of Furniture), application under Section 30-6.6 of the Ordinance, to permit erection of an addition to existing store closer to front and rear property lines, (6801 Richmond Highway) Mount Vernon District, be approved as applied for, for reasons stated. This is an improvement over what is presently there. Seconded, Mr. Barnes. Carried unanimously.

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THREE FRONTIERS, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of a miniature western frontier town, commercial recreational establishment, on north side of Routes 29-211, adjacent to Hunters Lodge, Centreville District, (RE-1) S-271-66

Mrs. Henderson read a letter from Hiss & Rutledge dated March 29, 1966 requesting withdrawal of the application. Mr. Smith moved to grant the applicant's request and permit withdrawal of the application. Seconded, Mr. Barnes. Carried unanimously.

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The Board granted permission to the McLEAN BOYS' CLUB to operate the same as they did last summer, from June 27 through August 19, 1966. Motion by Mr. Barnes; Seconded, Mr. Yeatman and carried unanimously.

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Mr. Smith moved that the Board extend the permit of LILLIE ROBERTS, for a beauty shop in her home as a home occupation, 301 Ayres Drive, Mt. Vernon District, one year from January 26, 1966 and if she desires a use permit beyond this period she will have to make application to the Board at least thirty days prior to expiration of the existing permit. Seconded, Mr. Barnes. Carried unanimously.

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ROLF NURSING HOME - Request for extension on property opposite Belvedere School, for nursing home:

Mr. Smith said he was concerned about continually extending these permits - there was a lot of opposition to this application to begin with and the Board passed it because they felt there was a need for it. He would like Mr. Hazel to appear at the May 10 meeting and tell what plans they have for the property. He moved to extend the permit for thirty days; Seconded, Mr. Yeatman. Carried unanimously.

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MRS. DOUGLAS HATCH - The Board granted a permit for a riding school and nursery school May 21, 1960, maximum of 40 children, and the applicant would be allowed to use the present dwelling with permission of State and local authorities that have jurisdiction over the operation. It was all granted under one permit but Mrs. Hatch did not operate the school.

Mr. Smith suggested renewing the entire application for one year and if the school is not in operation at the end of a year, it could be removed from the permit.

Mrs. Henderson felt it would be better to renew the permit for the riding school for three years and let Mrs. Hatch make application for the school when she is ready to start.

Mr. Smith moved that Mrs. Hatch be allowed to continue the riding stable and other uses other than the nursery school, for a period of three years from date of expiration of permit. If the applicant desires to organize a school such as proposed in the original application, she can notify Mr. Woodson and appear before the Board in this connection. Seconded, Mr. Barnes and carried unanimously.

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LUCIEN BERRY PROPERTY - The Board agreed that the applicant should file an application. He has 99 ft. of frontage but needs 100 ft.

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Can the Three Chefs be permitted in Industrial zoning as a place for employees to have lunch? The Board agreed that it could not.

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The Board agreed to take under advisement the problems arising from large air conditioners being placed outside homes, in the setback area and creating noise to adjacent homes.

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The meeting adjourned at 5:35 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

June 9, 1966
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 26, 1966 in the Board Room of the County Courthouse. All members were present except Mr. Everest. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The meeting was opened with a prayer by Mr. Smith.

BENJAMIN J. LEGANO, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 2.6 ft. from side property line, Lot 414, Section 6, Pimmit Hills, (1804 Peabody Drive), Dranesville District (R-10) V-311-66

Mr. Legano stated that water had accumulated in his basement and if he were allowed to erect a carport on the side of his home, it might stop the water from running into the basement. He said he had lived there for six years. The lot is on a hill with the grade sloping toward the basement opening and water runs downhill toward the opening.

Mrs. Henderson suggested that a removable cover over the stairwell might solve the problem.

No opposition.

Mr. Yeatman moved to defer the application to May 10 to view the property. Seconded, Mr. Smith. Carried unanimously.

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RICHMARR CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit operation of a sewage lagoon, property on NW'ly side of Guinea Road, Rt. 651, Falls Church District (R-17) S-319-66

Mr. John T. Hazel, Jr., represented the applicant. The application is to allow installation of a sewage lagoon on property owned by Richmarr, he explained. The lagoon will be on Rabbit Run on the edge of flood plain, 2,000 ft. from the nearest house. The purpose of the lagoon is to provide sewerage facilities for approximately nine months between the time when the subdivision is first occupied and until the completion of the County sewer. There will be an eight or nine month period before the trunk reaches the area and these lots will be in need of discharge. This will be a facility for treating effluent from 108 lots. The Sanitation Department encourages use of this facility because it will provide ready customers to hook onto the trunk sewer when it is put through. This is part of the Pohick trunk system and the Health Department has already approved the facility. It meets all the recently adopted County requirements. The difference in water level in the lagoon will be between 4 and 5 ft.; when the level reaches 5 ft. the County will come in with a portable pump and spray this liquid out onto designated areas, lowering the water level to 4 ft. The Soil Scientist has inspected the spray areas and finds the soil there has good absorption qualities and rates excellent as a spray area. This area is protected by drainage ditches which circumvent it entirely, collecting surface runoff. The only removal of liquid from the lagoon will be by spraying into the spray areas. The spray areas are partially wooded, and the lagoon is surrounded by woods, and cannot be seen from any inhabited dwelling. The lagoon will be enclosed by a 6 ft. anchor wire fence, with three strands of barbed wire around the top. The banks and spray areas will be kept mowed and free of foliage, except for clipped grass. The access road will allow the County to bring in their pump and spray out the discharge and check the facility daily.

Mr. Smith said he thought this was an excellent idea but he wondered why the County was getting away from using a second pond with these lagoons

Mr. John Patteson stated that now the County uses one pond with the portable pump. They don't use the second pond because there will not be any discharge into the stream. When the water level reached a certain point, in the old operation, it ran into the second pond but now it is sprayed out.

Both the Health and Sanitation Department prefer this design over the two pond arrangement, Mr. Hazel said.

During the nine months they would use this facility, Mr. Patteson said there would be an average of approximately 50 homes rather than 108 because they will be constructing all during this period and the 108 homes would not be occupied during the whole period.

Mr. Smith asked if there were any difficulty in keeping the water level up to a certain point in the lagoons.

If there were difficulty, Mr. Patteson replied, they could pump water from the creek.

Mr. Clayton from the Health Department stated that all temporary lagoons are maintained by the County. This one will be built to Health specifications.

RICHMARR CORP. - Ctd.

No opposition.

Mrs. Henderson read the Planning Commission recommendation for approval.

In view of the recommendation of the Planning Commission, and because this is an excellent way to develop any area in the County while it is waiting for the trunk sewer line to be constructed to take effluent to a large plant, this certainly gets away from pollution of our small streams in the County, Mr. Smith said, and is in keeping with the program, both regional and State on stream pollution, he moved that the application of RICHMARR CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit operation of a sewage lagoon, property on NW'ly side of Guinea Road (Rt. 651), Falls Church District, be approved as applied for and as stipulated by the applicant. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS A. CARY, INC., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of a temporary lift station, on west side of Rolling Rd., Rt. 638, adjacent to Rolling Valley Subdivision, Mason District (R-17) S-330-66

Mr. John T. Hazel, Jr., represented the applicant. The purpose of the application, he explained, is to allow the applicant to construct a temporary lift station while waiting for the Pohick trunk sewer. The tract is owned by the applicant and is under development as Rolling Valley. As a temporary expedient, this lift station has been approved by the Board of Supervisors. The Board and the Sanitation Department have agreed to construct the trunk line from this lift station upstream to the Pollin tract, now under development, tying in these two subdivisions and allowing this lift station to pump as a temporary measure until the trunk sewer comes through. This is anticipated to be substantially below ground and has two power sources. It is acceptable to the Sanitation Department in all respects. Construction would occur immediately and this station would be in service within thirty days to handle homes now under construction. The County will bring in the sewer at the earliest possible date. The lift station has a capacity of 600 homes, it is all underground except for a manhole protruding above the ground.

Mr. Liedl said the Board of Appeals had granted a permit for a treatment plant in this area and that would be eliminated by this application, if it is granted.

No opposition.

In the application of THOMAS A. CARY, INC., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of a temporary lift station, on west side of Rolling Road, Rt. 638, adjacent to Rolling Valley Subdivision, Mason District, Mr. Smith moved that the application be approved as applied for, for reasons stated and all other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

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BRISTOW SHOPPING CENTER LIMITED PARTNERSHIP, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a gas station and permit commercial entrance and driveways over residential property in accordance with Section 30-3.2.1.1 of the Ordinance, off Patriot Drive, in Americana Fairfax Apartments, Falls Church District (C-D) S-312-66

Mrs. Henderson asked when the property was rezoned to C-D.

The applicant's representative, who did not state his name, said the original zoning was C-N in 1961 and had been changed to C-D in 1965.

Mrs. Henderson asked if there were any other access to the property other than across residential land, as this section of the Ordinance regarding crossing residential property would not pertain in this case.

The applicant's representative said they planned to have a two story building with a 7-Eleven Store on the second level, facing the parking lot and a gasoline station on the lower level. The gas station would have access through a commercial area, but the access to the 7-Eleven store would have to be across residential property.

The gasoline station is all right, Mr. Smith said, but there is nothing in the ordinance to allow this Board to grant the access to the 7-Eleven.

BRISTOW SHOPPING CENTER - Ctd.

Although Mr. Smith said he would like to see some relief given in this case, the Board of Appeals had no authority to grant it under the present Ordinance.

The applicant stated that prior to the rezoning they had filed a site plan on Section 5 which had appeals, counter appeals, etc., and had ended up before the Board of Supervisors who required them to build a road connection and since they felt this was a private road, they would be able to use it for access.

Mr. Smith said he would like to see the property and also, he felt the Board should have a new plan showing things as now proposed rather than the original site plan which was no longer in effect. Secondly, he would like someone from the Planning Staff present to answer questions which he had about the application. He asked how many bays would the service station have.

The applicant replied they would have three bays. The station is under lease by Phillips 66 gasoline company, however, if they do have to remain 50 ft. from the zoning line as the Board points out, they are wasting their time because there would not be enough room for the 7-Eleven Store in that case.

Mrs. Henderson suggested deferring the application indefinitely until the applicants can determine whether they are going to build a gasoline station only, or plan a smaller building, or have the whole thing rezoned.

Mr. Smith moved to defer the application indefinitely to allow the applicants to get additional information on new ways of bringing this into compliance. He pointed out that the Board of Appeals has no authority to allow this use of residential property for access to a commercial use under the present ordinance. Seconded, Mr. Yeatman. Carried unanimously.

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MURIEL & ROBERT M. BUCKLER, DOROTHY W. & PHILIP PAUL BUCKLER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school, kindergarten and primary, (4015 Annandale Rd.) part Lot 2, W. M. Farr and F. S. McCandlish property, Falls Church District (R-10) S-313-66

Mrs. Rose Kennedy Hall, Chairman of the Advisory Board of the School, and the Bucklers were present. Mrs. Hall stated that the Bucklers are the new owners of the school and they have obtained a permit to allow them to operate temporarily until this hearing. The school has been operating for the past fifteen years and at present is on a half day session. The school is not a corporation at the present time, but Mrs. Hall said she did not know whether the new owners plan to make it a corporation or not. Mrs. Hall said she was chairman of the Advisory Board for the fifteen years the school was operated by Miss Ludwig and the Bucklers have asked her to continue as chairman. Mrs. Muriel Buckler is director and Mrs. Dorothy Buckler, co-director. There are 146 students in the school now. The largest enrollment during the 15 years was 225 students. There are approximately 6,000 sq. ft. of interior, nine rooms, all on one floor. Right now there is a primary, pre-primary and first grade. Under the nursery part, which Dr. Kennedy calls child care, the permit is for 50 children, although Miss Ludwig never had that many. This is a half-day program. The applicants have not indicated whether they intend to go to an all day program. Mr. and Mrs. Robert Buckler have been very successful in running a private school in the District of Columbia for sixteen years.

The school is attached to County sewer, Mrs. Hall continued, but at the time the major improvements were made, six years ago, Dr. Kennedy told them that the water pressure was inadequate and since the well had always tested 100%, he suggested waiting until more water lines or pressure lines came in, so they are still using the well.

Mrs. Buckler stated that they wished to have children ages 3 through 9, and this would be for students of Fairfax County only. Their hours of operation would be from 8 a.m. to 12:30 p.m., five days a week. They wish to continue the program and might like to expand it a bit. They will have a half-day summer program all summer long. Eventually they would like to operate all day and would like this shown on their permit.

Miss Ludwig, former owner, said her permit allowed grades thru the sixth, all day operation, all year round.

Mrs. Buckler said they would have a summer work shop, something on a camping level, as much as they could offer without swimming. They would have no more than 150 youngsters at any one time during the summer months.

MURIEL, ROBERT M., DOROTHY W., & PHILIP P. BUCKLER - Ctd.

For the past few years there has been no summer activity. The school will operate on a half-day basis now, Mrs. Buckler continued, but in the future if they decide it should be for all day, they would have the all day session for only part of the students. There would be no more than 225 students on the premises at any one time, if they have two sessions.

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Mrs. Henderson showed on the plat that parking was non-conforming.

Mr. Woodson said it was non-conforming in its location, but it has to go with the property.

Mrs. Buckler stated that the school will have buses which the drivers take home with them so they are not parked on the property during the day.

Mr. Smith commended the operators of the school for painting their buses yellow; he felt all school buses should be painted yellow in view of the safety standpoint.

There was some discussion of the zoning of adjoining property as shown in the Annandale Master Plan and it was determined that the adjoining property is shown for apartment use, and the planned Annandale by-pass, if ever built, comes down the edge of the property.

Mrs. Henderson pointed out that Miss Ludwig got her permit May 13, 1958 and the only condition on the permit was that it was without limitation on the number of pupils -- it was to permit operation of a private school, complying with all regulations.

In reviewing their request, Mrs. Buckler stated that they wish to have a maximum of 225 students, pre-kindergarten, kindergarten, first and second grades, children three through nine years of age, hours 8:00 a.m. to 5:00 p.m., five days a week for a five day basis, twelve months a year.

No opposition.

Mr. Smith moved that the application of MURIEL & ROBERT M. BUCKLER and DOROTHY W. AND PHILIP PAUL BUCKLER, to permit operation of a pre-kindergarten, kindergarten, first and second grade private school at 4015 Annandale Road, Falls Church District be approved for a maximum number of 225 students at any one time, ages 3 thru 9 years of age, hours of operation 8:00 a.m. to 5:00 p.m. five days a week, twelve months a year. It is understood that the applicants will get approval of the Fire Marshal and Health Department prior to issuance of use permit for the school. Seconded, Mr. Yeatman. Carried unanimously.

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BETTY M. CORNWALL, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 44, Fenwick Park (2850 Stuart Drive), Falls Church District (R-10) S-314-66

Mrs. Cornwall stated that she has purchased her equipment, hoping that her permit would be granted. She will have one operating chair in her home, for the convenience of people in the neighborhood. The neighbors have asked her to do this. She is an experienced, State licensed beautician. There is a separate entrance to the basement, where the operation would be conducted, and her shop would be set up according to Health Department and Fire Marshal's regulations. The nearest beauty shop is over a mile away.

No opposition.

Mr. Yeatman moved that the application of BETTY M. CORNWALL, to permit operation of a beauty shop in home as home occupation, Lot 44, Fenwick Park, Falls Church District be approved; hours of operation 9 a.m. to 6 p.m., four days a week - and from 12 noon to 9 p.m. one day a week, no Sunday operation. Granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS HERBERT, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Holt Street than allowed, Lot 229, Section 2, Stonewall Manor, (8312 McNeil St.), Providence District (R-12.5) V-315-66

Deferred to May 10 to allow the applicant to give proper notification.

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VIRGINIA MONTESSORI SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, ages 3 through 12, nursery thru 6th grade, 150 children, Lot 11, Sec. 3, Jermantown Village (10917 Marilta Ct.), Providence District (RE-1), S-316-66

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Mr. Wilson, President of the School, represented the applicant. They have operated for three years as the Vienna Montessori School, he stated, and are moving to this new location to improve their circumstances. The building will be strictly for the school, and later on they probably will have a caretaker or a teacher living on the upper level of the building. The school is about 90% built at this time. Their permit limits them to 40 children at this time and they wish to expand to a maximum of 150 children and would like to increase the ages from three to six as now allowed, to ages three through twelve. The only outside activity would be before and after school and this would be supervised activity. They have had electrical, health and fire marshal inspection, and will comply with the list of requirements which they submitted. Under the present layout, the Fire Marshal will allow a maximum of 97 students in the building at any one time. The three to six year old classes will be on a half-day basis and they would like to have three teachers plus one assistant. The Health Department did not limit the number of children, but the school plans to have 20 sq. ft. per child on space requirements, and would carry this standard on all the children, in all the grades.

Mr. Smith suggested limiting the number of students at any one time, and limit the hours of operation and ages; then however the school wished to arrange the classes will be all right so long as they do not have more than this number of students in the building at any one time.

Mr. Yeatman suggested putting a fence along Route 66 to keep the children off the highway.

No opposition.

Mr. Smith moved that the application of VIRGINIA MONTESSORI SCHOOL, INC. to permit operation of private school on Lot 11, Section 3, Jermantown Village, (10917 Marilta Court), Providence District be approved to permit children ages three through twelve, maximum number of students in the building or on the premises at any one time shall be 97; hours of operation 8:30 a.m. to 4:30 p.m., twelve months a year. The applicants must meet all Health and Fire regulations. All other provisions of the Ordinance must be met. If there are any changes in those who direct the school, the Zoning Administrator should be notified. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS B. HOWARD, application under Section 30-6.6 of the Ordinance, to permit erection of a carport closer to side property line than allowed and 32.5 ft. from Byrnes Drive, Lot 3, Block 3, Section 2, Grass Ridge, (6515 Byrnes Drive), Dranesville District (R-12.5) V-317-66

Mr. Howard stated that he would like to have a 14 ft. carport or enclosed garage on his house. The houses in this subdivision were built in the early 1950's. His is on a corner lot. Some of the houses in the neighborhood already have carports.

Mrs. Henderson said the houses were not intended to have carports because there is not enough room.

Mr. Smith suggested moving the carport over one foot so the variance would not be as great. A 12 1/2 ft. carport would give adequate protection. He said he was trying to work out a plan to allow the applicant to have a carport, but the Board has to consider the minimum variance, not the maximum. The variance, if allowed, might not be the most desirable for construction, but it would meet the applicant's minimum needs. Mr. Howard could build a 12 1/2 ft. carport. There would be no front variance, it it is set back to the 40 ft. line. The variance would taper off. The Board can justify a variance due to the fact that this is an irregular shaped lot. It is a corner lot and the house is set at an angle.

No opposition.

Mr. Yeatman moved to defer the application to May 10 to view the property. Deferred for decision only. Seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES:

WALTER R. REYNOLDS, application under Section 30-6.6 of the Ordinance, to permit erection of three dwellings, 30 ft. from street property line Lots 23, 24 and 25, Reynolds Third Addition to Potomac Hills, Dranesville District (R-12.5) V-276-65

Letter from the applicant requested withdrawal. Mr. Smith moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH D. RAGAN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day school, maximum number of children, 25, west side of Rolling Rd. (8608 Rolling Road,) Mason District, (RE-1) S-286-66

Mr. Zabriskie and Mr. Ragan were present. Mr. Zabriskie stated that Mr. Ragan has employed an architect to design the school. The building will be constructed especially for the school, and it will be 40 ft. from the property line. As a result of the application being deferred from March 22, Mr. Ragan has been forced to make acquisition of the land, and with approval of the Board, will pursue the construction of the building. It will require a new septic field and possibly a new well. The existing house will either be torn down or remodeled for Mr. Ragan's use as he is contemplating moving into the house. If he does not, it will be torn down. In no case will it be used for the school.

Mr. Smith asked what would happen if the school was not a success? There is a prohibition in the Ordinance on having two living units on one lot and the applicant has spoken of the second building as a "house". There is strictly a prohibition against two houses on the same lot.

The zoning is RE-1, Mr. Zabriskie replied, and this could be split into two lots because the property contains two acres.

Mr. Smith asked if there was access to the rear of the lot.

The only access would be through the lot itself, Mr. Zabriskie answered, and it could be extended to the rear of the lot.

Mr. Ragan, in answer to a question by Mr. Smith, stated that he lives in Springfield and is director of Food Services at Georgetown Prep in Maryland. He and his wife will operate the school. They would have two qualified educators besides himself and his wife.

Mr. Smith said he was concerned about the two buildings being on the property. If the existing building is not worth renovating for school purposes, he felt it should be removed.

Mr. Zabriskie said he was willing to stipulate that the building would be incorporated into the school in the future, or torn down.

Mr. Smith said he did not question the need for the school, and he was sure that Mr. Ragan was very capable of operating the school, however, he felt that the existing building should be demolished before construction of the new building. To allow the old building to remain would be setting up a very unsafe condition and an unsightly condition, and if the property were sold, the use permit would not go with it. This could become a real problem for the Zoning Administrator.

Mr. Zabriskie said the new building would be of brick construction. Since the old building naturally has some value, he suggested moving the new one to the rear of the property.

If the property were divided and the second site had access, Mr. Smith said he would go along with that.

Mr. Zabriskie suggested that they would incorporate the two buildings in the future. They plan to have 25 children in the school.

For twenty-five youngsters, Mr. Smith said it seemed to him that if the old house was worth saving, it could be utilized for them. It would be cheaper to renovate this building and use it for the present, and if the school expands, then come in for a permit for the new building.

Mr. Zabriskie submitted several lists of things that would have to be done before they could use the building for the school and felt that it would be better to build the new building. They did not know whether the old house could be remodeled for the school or not. They have not acquired financing for the second building yet.

Mr. Smith felt that they could not get financing for it, being directly opposed to the Ordinance.

April 26, 1966

JOSEPH D. RAGAN - Ctd.

The existing building does not meet even basic building code standards, Mr. Smith said, and this should not be used for dwelling purposes. It could never be used for more than three or four people anyway because the floor joists would not stand it.

If the permit is granted, Mr. Zabriskie said the present building would be demolished.

Since the public hearing had been held March 22 on this application, the Chairman did not ask for opposition.

Mr. Smith moved that the application of Joseph D. Ragan be approved to allow three, four and five years olds, 25 children, hours of operation 7:30 a.m. to 6:00 p.m. to accommodate working parents, pre-school only, five days a week, twelve months a year, and will have to meet state requirements.

Mr. Ragan said they would like to operate six days a week.

Mr. Smith amended his motion to six days a week and prior to issuance of any permits, the old building must be demolished. All provisions of the Health, State and County regulations must be met and the Fire Marshal must approve the building for school use prior to issuance of occupancy permit. All other provisions of the Ordinance to be met. Granted to the applicant only. Seconded, Mr. Barnes and carried unanimously.

The opposition present stated that they had not had an opportunity to be heard and in view of the circumstances of this application, Mr. Smith moved that his previous motion be canceled and the hearing be reopened. Seconded, Mr. Barnes. Carried unanimously.

Since the whole plan for the school seemed to have changed since the public hearing, Mrs. Henderson asked for opposition:

Mr. Walter Cranford, property owner two lots removed, objected at the public hearing, he said, because he felt the house was sub-standard and not suitable for a school; the septic did not operate; property values would be reduced. However, if the new school as proposed at this hearing were placed farther back on the lot and the old house torn down, he would not object.

Mr. McCrory stated that the corner of his property is 245 ft. from the road, and if the school is set back 250 ft. from the road, it would be agreeable with him.

Mrs. Faigans was concerned about children coming from the school onto her property if there were no fence and asked who would be responsible if the children are injured.

Mrs. McCrory stated that Mr. Cranford, her brother, was speaking for her. She is the adjoining lot owner and lives there. She would like to have a fence in front as she did not want to be responsible to injuries to children from the school.

Mrs. Faigans said her main objection at the first hearing was that the house was not adequate for the school. But, if it is constructed of brick and has the appearance of a single family dwelling, and is set back from the road 250 ft. she would have no objections.

Mr. Smith moved that the application of Joseph D. Ragan to permit operation of a day school, maximum number of children 25, property on the west side of Rolling Road, (8608 Rolling Road), Mason District, be approved, to permit children ages 3 thru 5; hours of operation 7:30 a.m. to 6:30 p.m., six days a week; 12 months per year; that the building proposed be a new brick building and to be set no closer than 250 ft. from the property line adjacent to Rolling Road; that the building have the outward appearance of a residential dwelling; that the entire play area to the rear of the building be fenced; that there shall be no play area set up in the 250 ft. setback area. The only use to be made of this would be one of ingress and egress and the parking for five automobiles as outlined. That if there be a radial road as planned, the road be placed within 30 ft. of each of the side property lines. It would be more beneficial to have one road with a turnaround, coming down the middle of the property. All requirements of the Health Department must be met and the operation must have Fire Marshal's approval for use of the property as a school. The house situated on the property at present will be removed prior to issuance of a building permit or prior to beginning construction of the new building. Seconded, Mr. Barnes. Carried unanimously.

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CAMELOT COMMUNITY CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, and other recreational facilities, on south end of Balin Ct., adjacent to Lots 238 and 239, Camelot, Falls Church District (R-17 cluster), S-309-66

Mr. E. P. Wright represented the applicant.

The property involved in the application is part of the open space required to get the cluster zoning, Mr. Rust stated.

Mr. White said he had obtained a copy of the deed and it states expressly that the grant is made and accepted upon condition that the property is to be and remain as recreational community use forever and for no other purpose whatsoever. There will be 244 lots in Camelot. Their membership at present is set at 260 by their by-laws. The pool is designed for 350 and the bath house is sized to the pool. In the future they might wish to increase their membership to more than 260. They now have 107 members. They would like to have every homeowner in Camelot belong but they realize there will be some who would not care to join.

Mr. Smith suggested keeping open five memberships for changes in ownership in the community club and beyond that, after having the benefit of refusal of Camelot residents, they could offer membership to other areas.

Will the pool committee have to pass on new memberships, Mr. Smith asked?

It first passes through the club as a formality, Mr. White stated, to make sure that the applicant's membership is in good standing. If there is nothing owed to the club, the membership is transferred to the new owner.

Mr. White suggested amending his application to read 360 memberships with the condition that their by-laws be amended, but Mrs. Henderson felt that the by-laws should be changed first.

In the application of Camelot Community Club, to permit erection and operation of a community swimming pool and other recreational facilities, south end of Balin Court adjacent to Lots 238 and 239, Camelot, Falls Church District, Mr. Yeatman moved to approve with 260 members as per plat submitted to the Board, dated 4-25-66. To include 120 parking spaces; hours of operation from 9 a.m. to 9 p.m. Seconded, Mr. Barnes and carried unanimously. Mr. Smith offered an amendment which was accepted by Mr. Yeatman -- that 5 memberships be reserved at all times for transfer of ownership within Camelot prior to sale of memberships outside the subdivision. There should always be some open memberships to take care of people moving into homes in Camelot that do not have memberships. Carried unanimously.

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COLCHESTER MARINA: Mr. Bean reviewed the background of the proposed marina. After approval by the Board a year ago, and the extension given in March, they got preliminary site plans approved on April 15, 1965. At that time they obtained application from the Virginia Department of Fisheries in fee of $10,000. They have an agreement that this will be paid when they are able to break ground. A letter dated May 1965 indicated approval of the U. S. Corps of Engineers, and if anything in their application is changed, they will have to go back through all these people again. The whole problem developed around the Feasibility Study which was completed last year. When he showed the cost of operations, Mr. Bean continued, they went to slip rental fees which would produce a great deal of their income, and big trouble developed there -- In 1933 slip rental fees were set at 50¢ a running foot of slip space. This is being restudied by the Army Corps of Engineers and they are hoping for $1.00 per foot. If there is one 40 ft. slip available and you have a 20 ft. boat, you have to take the 40 ft. and pay at that rate, Mr. Bean said, as an example. They have employed two different public relations firms to work with the financing company and they think they have financing. Public sewer and water were not economically feasible a short time ago, but water is there now and they can tap on. They are only 500 ft. from the sewer because of development in Harbor View Subdivision. Congressman Broyhill and others are working on dredging of the channel to 12 ft., but no one knows whether this will be successful. Apparently they have about 7 ft. now but some dredging will have to be done in any event. The Mason's Neck Staff report is coming out June 1 and the Staff says this marina is still in the report and there are no intentions of removing it. There will be a recreation area developed by the State very close to the marina.

COLCHESTER MARINA - Ctd.

Mr. Bean stated that they were requesting an extension to February 1967 to allow them time to get final site plan approval after they get financing, and the Feasibility Study has to be redone. They will do all they can to go forward with the marina, but they are dealing with the Government and have to wait for the increase on the slip rental fees - if this does not increase, all the time, work and money spent on this project will "go down the drain". Having to come back year after year and request more time is very embarrassing, Mr. Bean continued, but since this is the first marina in the County, it has been a real problem.

Mr. Smith pointed out that the permit had been renewed about six times and he questioned whether the Board had authority to be continually extending use permits. Perhaps the entire application should be restudied. It was granted almost four years ago.

They could not have moved without getting Board approval in 1962, Mr. Bean said. Records of the past two years will show how much work has been done, and to the question of authority, the Board should be able to grant extensions for ten years if they see a purpose. Having had site plan approval (preliminary), they could have gone in and put some footings but it was not fair to the owner to start construction on something and have to wait to see if he could get financing. Marinas don't come before the Board every day and this is an unusual situation.

Mr. Yeatman moved to grant an extension to February 13, 1967. Seconded, Mr. Barnes. Carried 3-1. Mrs. Henderson commented that she disliked as much as Mr. Smith did, constant renewals, but this seems like a good use of the land and there has been some indication of progress in the last year or two.

Mr. Smith voted against the motion, saying he would like to see the marina constructed, but he would not go along with an extension for more than 90 days - this might put some pressure on the people involved to get some action.

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FREEDOM PARK, INC. - Mr. Whytock stated they got a permit to put in a new installation, on condition that they tap onto the sewer and put in a parking lot. The new installation and other conditions cost more money than was anticipated - $4500 more and they obtained a personal loan from a bank to cover this. Now they are out of capital funds and they have the loan to pay. The estimates on sewer and parking and charges on the frontage costs would be approximately $650.00 - laying sewer into the lines is estimated to be $1165.00. Parking lot estimates are around $2500.00. They would like one more year to pursue this and with the income from this year, might be able to pay off their debt and have some surplus, and then with the income from next year, they could probably handle both these items. The parking has not been a problem - there were only two days out of their last season when they had cars extending about a half block down the street. There were no complaints.

Mr. Smith moved to extend the permit for one year. Seconded, Mr. Yeatman. Carried unanimously.

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VIENNA SUMMER PLAYHOUSE: Mr. Barnes moved to renew their permit to allow the same operation as last summer, June thru August 1966. Seconded, Mr. Yeatman. Carried unanimously.

MOBIL OIL COMPANY, Old Chain Bridge Rd. and Dolley Madison Blvd. - Mr. Barnes moved to grant Mr. Hazel's request for withdrawing the application. Seconded, Mr. Smith. Carried unanimously.

KIWANIS CLUB OF MCLEAN: The Board agreed that it would be necessary to file a permit under Group VI, Section 30-7.2.6.1.4 of the Ordinance.

JOHN CALVIN KINDERGARTEN: Increase number of students from 17 to 37. Carried unanimously.

PARKLAWN RECREATIONAL ASSN.: Consensus of the Board was that they still will have to use vending machines - no over the counter sales of food.

CONGREGATIONAL CHRISTIAN CHURCH OF FAIRFAX CO.: Board will take under advisement and refer to Director of Planning the problem of setting aside church land for scattering of ashes of deceased members.

GO CARTS IN INDUSTRIAL DISTRICTS: This would be a mechanical amusement device. Must come in for special use permit.

The BZA will hold a special meeting in June -- meets June 14, 21 and 28.

The meeting adjourned at 4:50 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman
June 21, 1966 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, May 10, 1966 in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

AMERICAN INSTITUTIONAL DEVELOPERS, INC., (Fort Buffalo Convalescent Residence), application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of a nursing home (222 beds), on west side of Sleepy Hollow Road, south of Route 7, Mason District (R-12.5) S-310-66

Mr. John T. Hazel, Jr., represented the applicant. He introduced Mr. Conway, officer in charge of operations for American Institutional Developers, Inc. The applicants are in the business of erecting nursing homes all around the country, Mr. Hazel explained, and at present they have forty-one nursing homes around the country. They are the contract purchasers, in effect, of this tract of 2 1/2 acres just off Sleepy Hollow Road. Together with doctors at Seven Corners, A.I.D. will erect on this site the nursing home which is planned there and will operate that nursing home as a high grade convalescent facility. MEDICARE will create a demand for nursing homes of this type. This tract was the subject of a dental hospital use permit granted several years ago; but the hospital never came to pass.

In connection with the site itself, Mr. Hazel continued, Sleepy Hollow Road is in the State's final plans for widening. It is anticipated that widening will commence this fall and will be finished approximately twelve to fifteen months from now. It is being widened all the way from Seven Corners to Columbia Pike. Widening will be substantially on the east side in this particular vicinity, across from this tract. Under State plans now being put out for bid, there will be very little right of way relocation necessary, and this property on the south corner will lose a few feet of frontage, but relatively little. The road will be a four lane road at this point.

The offsite drainage problems which have plagued this area for years, Mr. Hazel said he understood were now entirely resolved. The County has the ultimate solution to the drainage problem in the whole vicinity of Sleepy Hollow. The Board of County Supervisors and the State have agreed on a joint contribution proposing that the Hillwood drainage shed will come down Spring Terrace from this property, down Aspen Lane, connecting into the Sleepy Hollow drainage system. This will be done on a reimbursement basis. It is anticipated that the drainage work will be let as a part of the Sleepy Hollow Road project. The effect of this on the applicants will be that their offsite contribution will be about $12,500 per impervious acre, or approximately $25,000 for the tract as a whole. This will be borne by the developers of the tract.

The right of way necessary for widening Sleepy Hollow Road will be dedicated to the State as a part of this project. The State is working with them now on the location of curb cuts and curbing, Mr. Hazel said. He showed a rendering of the proposed project -- a two story structure on the north side, and the rest three stories. Administrative, office and kitchen facilities would be on the lower level, with the patients' rooms on the second and third levels.

To relieve the traffic situation at Sleepy Hollow Road, an agreement has been worked out with the doctors to use the access road which they recently constructed. The travel lane would be extended and connected with a travel lane in front of this property, so the nursing home will be serviced by vehicles going down the service lane into the access road, thus decreasing traffic going down Sleepy Hollow Road.

Requests were made for this type facility in the past and never came to pass, Mr. Hazel continued, but this project is ready to go -- it has Health Department approval, financing has been made. This project will be in business within eighteen months if the Board of Zoning Appeals approves it. This works out well with the scheduling of the Sleepy Hollow Road improvements. This should create an attractive development on the tract. There are several advantages -- any residential development in the area would generate more traffic and more children while the nursing home would not. It seems to be an ideal use of the property because it would have little or no impact on the service facilities in this area and no impact on the schools. There would be little traffic impact because experience has shown that there is not a lot of traffic to and from nursing homes. It is not like a commercial office building or apartment project which has a lot of cars. This is a relatively no-traffic generating use and should be quite compatible with the area. It is a quiet use and Mr. Hazel said he could not think of a better use for this area considering the impact of the use on adjoining neighbors.

May 10, 1966

AMERICAN INSTITUTIONAL DEVELOPERS, INC. - Ctd.

Mr. Hazel said he had discussed the application with the neighbors in the area and he believed they were favorably inclined. The one factor emphasized by Mrs. Wiser and her neighbors was that the parking be kept to the rear, and that they not have commercial type light fixtures. They think they can get by with shoulder-high, patio type fixtures, which will make a more attractive project.

In connection with construction of this project, Mr. Smith asked, would the applicants be able to direct all trucks, service vehicles, etc. through this outlet road during construction?

Mr. Hazel said they would make every effort to do this, and if Sleepy Hollow Road is also under construction, it may be a necessity.

Mrs. Henderson suggested bringing the access road around the rear of the medical building instead of going all the way to the front.

Mr. Hazel replied that his clients would prefer to do it that way, but the difficulty lies in the amount of undeveloped land in the medical tract. This would be severed if the access road were constructed directly across, and there would be some topographic problems also. They talked with the citizens in the area about screening and screening will be provided in accord with the County Ordinance. At this time, they do not know exactly what kind of screening because they do not know what they will be screening against, it depends on what happens on the former Ellis tract. The details on screening will be worked out at the time of site plan approval.

Mrs. Henderson said that she felt fencing should be provided on all sides to keep patients from wandering onto others' properties.

Mr. Hazel said this particular home will not cater to or accept mentally deranged persons. As to screening and fencing, it will be provided along the back lines.

Mr. Conway described the type of lighting they will put in -- a mushroom 19 inch light. The building will be dark at 10:00 or 11:00 p.m. They now have 2,000 beds in operation, and he would say that by 8:00 p.m. all is dark and retired. The patients will not be allowed outside the building without nursing supervision because once they are admitted to the structure, if they walk out and get injured, the home is responsible, so they are very careful. Patients must have supervision outside the building at all times. Sometimes they are released in the care of a relative to walk outside the building. On the side toward Seven Corners and in the back of the rear yard parking lot, there will be a garden area for these people.

Do you allow howling privileges, Mrs. Henderson asked?

One howling patient will cause ten good patients to leave the home, Mr. Conway said, and they cannot allow this. The building will be completely air conditioned, windows will be kept shut most of the time. They will have an occupational and physical therapy program. Some of their patients are people who are not healthy or who are recovering from operations. There would be no one under age 21.

Mrs. Henderson read a letter from the Public Works Department confirming Mr. Hazel's statements about drainage, and estimating the applicants' pro-rata share at $23,263.

Mr. Conway described the building as being a fireproof, full brick building, with asphalted parking lots and paved roads. All entrances to the building will be on the lower level. There will be two elevators.

Mrs. Marian Ruston read a statement from the President of the Sleepy Hollow Citizens Association, saying it was the unanimous opinion of those present to endorse the proposals as outlined to them. They feel that the nursing home as described, with proper screening, landscaping, lighting, etc. would be compatible with the interests of the neighborhood.

No opposition.

Mr. Smith commended the citizens and Mr. Hazel for working out a compatible solution for this area. He moved that the application of AMERICAN INSTITUTIONAL DEVELOPERS, INC. be approved to permit erection and operation of a nursing home (222 beds), on west side of Sleepy Hollow Rd., south of Route 7, Mason District, in conformity with plat submitted and with statements made by the applicant's attorney. It is understood that the off-site drainage contribution will be made. All other provisions of the Ordinance shall be met. All statements made with regard to lighting, brick building, use of service road not only during construction of the building itself, but for all service traffic to be channeled thru this road after construction is complete and the building is in use. All these things are to be done, leaving some flexibility so that in the future a direct road might be constructed rather than using the travel lane. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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E. W. MAXWELL, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in an apartment, Fairmont Gardens (4212 Wadsworth Court), Falls Church District (RM-2) S-320-66

Mr. Maxwell stated that he wished to operate a beauty shop in Apartment 4 at 4212 Wadsworth Court, in the apartment project where he lives, to serve the people living in the project. The apartment is on the basement level with one front entrance to serve all the apartments in one building. This is a one bedroom apartment and he would like to utilize all of it. He plans to have two chairs and the 380 families living in the project will be enough to sustain the beauty shop operation. Hours of operation would be from 9 a.m. to 5 p.m. six days a week, staying open one night until 9 or 10 p.m. There would be no Sunday operation. He plans to have one assistant. The present shop which he operates at 5928 Leesburg Pike near Culmore would be closed if this application is granted.

No opposition.

In the application of E. W. Maxwell, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in an apartment, Fairmont Gardens (4212 Wadsworth Ct.) Falls Church District, Mr. Yeatman moved to grant the application with hours of operation 9 a.m. to 6 p.m. five days a week and from 9 a.m. to 10 p.m. one day a week. All provisions of the Ordinance to be met and all provisions of the County electrical and Health codes to be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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JAMES P. LANDRY, application under Section 30-6.6 of the Ordinance, to permit erection of town houses with a variance to lot coverage, on north side of Eastside Drive, approx. 200 ft. east of #1 Highway, Mt. Vernon District (R-T) V-321-66

Mrs. Henderson stated that she was concerned about the number of requests for variances to the town house ordinance. The proposed amendment was drafted in March 1965 and is not yet scheduled for Planning Commission hearing. This is the third request before the Board and there are more like this pending. This is the same situation as in the old ordinance when everyone said the sign ordinance was not good so the Board of Appeals had to do the amending by granting variances. The Staff seems to feel that the present town house ordinance is unworkable and has drafted a new one, and she said she could not understand why it has not been adopted. There are no topographical reasons for granting these variances.

If the Ordinance is unworkable, it creates a hardship on the owner, Mr. Smith said, and apparently many people have waited a long time to start construction of these town house projects, waiting for the amendment - and this is the only solution, to come to the Board of Appeals under the hardship section of the Ordinance.

This request is for coverage only, Mr. Landry said, it meets all the other requirements. The town house ordinance becomes rather ambiguous and in trying to solve one problem, it creates others. The Ordinance requires 25% lot coverage - they can meet it on two end lots but are unable to meet it on the inside lots. They need 33% coverage on Lots 2 through 9.

Mr. Rust noted that taking the total (IN THE PROPOSED AMENDMENT) lot coverage of the entire tract, this would meet the 25% requirement; in the existing Ordinance, the 25% is figured for each individual lot. These buildings are 20 x 33 ft. and will sell for approximately $25,000. They are two-story buildings with basement. Mr. Landry needs a variance on eight out of ten buildings.

No opposition.

In the application of James P. Landry, application under Section 30-6.6 of the Ordinance, to permit erection of town houses with variance on lot coverage, N. side of Eastside Drive, approx. 200 ft. east of #1 Highway, Mt. Vernon District, Mr. Yeatman moved that the application be approved for variance as shown on the plat submitted because this is a hardship case. The new ordinance has not been adopted and the applicant needs the variance on the property; the variance is on Lots 2 thru 9. Seconded Mr. Smith. Carried unanimously. (5-0)

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DONALD F. JAMESON, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than allowed, proposed Lot 2, Arnon Meadows, Dranesville District (RE-2) V-322-66

Mr. Jameson stated that an error of less than 2 ft. on the frontage of Route 602 was found in the final survey. The earlier survey indicated

that there was adequate land and he bought the land under that assumption. The subdivision is under the process of developing and the road will be put through as soon as the County approves the plans.

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No opposition.

In the application of Donald F. Jameson, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than allowed, proposed Lot 2, Arnon Meadows, Dranesville District, Mr. Smith moved that the application be approved as applied for. This is a variance as to the width at the building setback line of proposed Lot 2, of 1.64 ft., brought about through an error in computation originally outlined by the applicant. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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RUFUS C. & ELOISE JONES, application under Section 30-6.6 of the Ordinance, to permit existing garage to remain 7 ft. from side property line, Lot 37, Rockland Village, (14001 Westmore St.), Centreville District (RE-1) V-323-66

Mr. Jones stated that he had a building permit to construct the garage, but he made a mistake in the location of it. The building is roughed in but not finished.

Mr. Smith said the lots in this area are small and some people have combined lots.

Taking into account the 15% allowance which can be made by the Zoning Administrator, Mrs. Henderson said the applicant would need an eight foot variance to allow the building to remain. However, she said, she must say that she does not condone the applicant's not reading the building permit to see what he was supposed to do.

Mr. Smith said there were other garages in the area closer to the lines than this one and this is an old subdivision which was never completely finished. Apparently it is in the process now of beginning to move.

No opposition.

In the application of Rufus C. & Eloise Jones, Section 30-6.6 of the Ordinance, to permit existing garage to remain 7 ft. from side property line, Lot 37, Rockland Village, (14001 Westmore St.), Centreville District, Mr. Smith moved that the application be granted. This is classified as RE-1 zoning but was subdivided as 1/2 acre lots. The applicant states that he was confused, apparently due to the fact that he felt he could put a garage within 2 ft. of the property line. The applicant states that he erred in the placement of the structure based on this reading. This is a reasonable explanation in the case where a home owner is constructing his own building. This is an area where possibly some of the homes and other structures in the subdivision do not meet present day setback requirements. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried, 4-1 (Mrs. Henderson voting against the motion.)

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PEOPLES BANK & TRUST CO. OF FAIRFAX, application under Section 30-6.6 of the Ordinance, to permit temporary trailer to be used as a bank 18 ft. from Belle View Blvd. (1805 Belle View Blvd.), Mt. Vernon District (C-OL) V-324-66

Notices of the hearing could not be found, however, Mr. Holland was certain that he had sent them to the Zoning Office, and they could remember receiving them. The Board agreed to hear the case on condition that the applicant furnish proof of notification ten days prior to hearing date, before the permit is issued. Mr. Olmi, owner of surrounding property, was present.

Mr. Holland stated that site plan had been filed and was being processed, to permit renovation of the apartment building and the addition of certain features shown on the outside for entrance, etc. In the interim, they wish to put a trailer in front of the building in order that they may complete the paving after the building has been done. They can keep the trailer out of the area during construction of much of the facilities. Then, when paving is done, they would wish to temporarily put the trailer in front of the building. There is only about 18 ft. available space for this purpose. This does not put the trailer too far from parking and in a place too inconvenient to the walking public. This would be a temporary structure, to be removed upon completion of the inside of the main facility. The land was rezoned about two years ago for C-OL.

Peoples Bank & Trust Co. of Fairfax - Ctd.

This will be a branch office, Mr. Holland said, the main office is at Hybla Valley. They have been working on their plans for several months. They have permission from the State banking authorities to proceed with this and if they don't produce activity within a certain time, the permit for a branch bank will have to go back for reprocessing. They are running close to their deadline now. The trailer as a temporary facility is a popular feature with banks to get the public used to it so when they open the new facility, they get the benefit of the new structure.

Mr. Everest said the time lag is too great from the time you get the permit from the Banking Commission to the time the facility is built and ready for operation. There is not enough time period to put up a building. It is general practice in just about every case when a branch bank is established there is a trailer on the property until the building is finished.

Mr. Holland said they must act within nine months from the date the permit is issued - this is getting through the architect's studies, the Public Works Department, etc., and it takes a lot of time.

Construction is expected to take about four months, Mr. Olmi said, and they are hoping to start construction in June. They would need temporary approval for approximately four months. Site plan was submitted for renovating the building March 31.

Mr. Smith said he was concerned about sight distance, however, Mr. Holland said the trailer would not impede the view of traffic going toward Fort Hunt Road. One would see the bank building first, and then the trailer. They do not plan to have a drive in window. The sidewalk comes up to the doorway of the trailer.

The main purpose of the trailers, Mr. Everest noted, is to insure that the bank does not lose its charter.

No opposition.

In the application of Peoples Bank & Trust Co. of Fairfax, application under Section 30-6.6 of the Ordinance, to permit temporary trailer to be used as bank, 18 ft. from Belle View Blvd. (1805 Belle View Blvd.) Mount Vernon District, Mr. Yeatman moved that the application be granted for a period of six months (from May 10). Proof of proper notification shall be submitted or found by the Zoning Office before the permit is issued. Seconded, Mr. Everest. Carried unanimously. (5-0)

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MILDRED BLEVINS, application under Section 30-7.2.6.1.5 of the Ordinance, to operate a beauty shop, Lots C & D, Annandale Subdivision (7306 Maple Place), Falls Church District (C-O) S-325-66

Mrs. Blevins stated that she wished to operate a beauty shop in the C-O zone. No one would live in the building.

Mrs. Henderson felt the Board did not have authority to hear this application -- it is not a home occupation, it is not an accessory use, and a beauty shop as a beauty shop is not permitted in C-O zones - it would have to be rezoned to C-N. This might be a good location for a beauty shop, but not in a C-O zone.

In all fairness to the applicant, Mr. Smith said the Board should defer the application for two weeks to find out why it was accepted and if it was filed in error and accepted by the Zoning Administrator, the fee for filing should be refunded to the applicant.

Mr. Barnes moved to defer to May 24. Seconded, Mr. Yeatman. Carried unanimously.

There was no opposition.

In discussing this application again at the end of the meeting, Mrs. Henderson noted that this would be a regular commercial beauty shop with a sign out front. Amendment #96 has practically the same language as the incidental commercial uses in apartment houses.

It says "buildings", not necessarily confining it to one building, Mr. Smith noted, and particularly because this application was accepted by the Zoning Administrator, with no opposition at the hearing, and in view of the way the Ordinance could be interpreted, and the fact that "buildings" is written here, it could be considered the same as the

one at Belle Haven. This is a similar situation where the applicant has properly applied under the Ordinance and has been accepted by the Zoning Administrator whose reason for accepting the application was probably the Board's prior action in connection with the Belle Haven application.

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But the location is so completely different, Mrs. Henderson said. It probably would not do a bit of harm but she felt that granting this would be granting a use that is not permitted.

The shop at Belle Haven is being operated as a beauty shop to serve the apartments or anyone who comes into the area, Mr. Smith said, and in his opinion a beauty shop in a C-O zone is a lot more desirable than a lot of uses that could go there by right.

Mrs. Henderson agreed that it probably would not be detrimental and the building looks like a good place for the operation, but she did not think it was the intent of the Ordinance to have a commercial beauty shop of this type in C-O zones unless it is in a building primarily to serve the occupants of the building, which this would not be.

The Zoning Office accepted this application based on this Board's previous action, Mr. Smith said, and there was no opposition to the application at the hearing, so he would have to treat this application the same as the one at Belle Haven.

Mrs. Henderson said she agreed with the theory but the Board would be allowing a use in a zone where it is not permitted by the Ordinance.

The Board must face the fact that this was permitted in Belle Haven, Mr. Smith stated, and if it is permitted in one location, it cannot be denied in other applications. It was filed as a home occupation - it should be amended and filed under the correct section of the Ordinance.

Mr. Rust discussed accessory uses for offices, business or professional uses -- it could be construed that this use is a use permitted by right.

The Board agreed that a beautician is a professional. The applicant should be notified that this is permitted by right, and there is no need for a use permit.

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DOROTHY B. MACLEAN (Little River Day School), to permit 18 additional children, Lots 9 thru 15, Roberts Place Subdivision, (4416 Roberts Ave.), Mason District S-204-66- (R-17)

Mrs. Maclean stated that the Board had granted her a permit for ten children and she does not have her quota yet, but there is adequate room under the terms of the nursery school ordinance for additional children. She has seven children at present and the Health Inspector stated that she would be allowed to have thirty. She will meet all State and County regulations. The school would operate from 7 a.m. to 6 p.m. twelve months a year and would have a total of 28 children.

No opposition.

In the application of Dorothy B. Maclean, application for 18 additional children, Lots 9 thru 15, Roberts Place Subdivision, (4416 Roberts Ave.), Mason District, Mr. Yeatman moved to approve the application for a total of 28 children, subject to all Fire and Health regulations, subject to hours and ages granted under original permit, November 9, 1965. Seconded, Mr. Everest. Carried unanimously. (5-0)

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THE CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, (8130 Old Keene Mill Rd.), Falls Church District (R-12.5) S-331-66

Mr. Randolph Church represented the applicant, stating that they wished to erect an addition to the existing dial center which was granted in 1959. Sewer has just come into the area and it is being developed.

Mr. John Wine, architect-engineer for C&P, stated that the property contains 1.2 acres. Construction of the addition will provide space for growth necessary to provide adequate local service to subscribers in the area. Their present equipment space is not adequate. By 1972, their growth will require about 18,000 working lines, and the proposed addition will meet those requirements. The tallest part of the addition will be 17 ft., the same as the existing structure. The addition will be designed for expansion in the rear, and for a second story, if necessary. They

C & P Telephone Co. - Ctd.

have adequate parking for all their permanent employees plus several additional spaces. There will be no traffic hazards, storage, noise, odor, vibration, fumes, radioactivity, etc., no interference with electrical equipment from this structure. It will be constructed in accordance with County Building Codes and should be ready by 1967. There are three employees on the property now; by 1972 they will have five. The addition will be the same architecture as the present structure.

Mrs. Henderson read the Planning Commission recommendation for approval.

No opposition.

In the application of The Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of an addition to existing dial center (8130 Old Keene Mill Road), Falls Church District, Mr. Everest moved that the application be approved as applied for. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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RICHMARR CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping facilities at the end of Springfield Village Drive, West Springfield Village, Mason District (R-17 cluster) S-332-66

No one was present to represent the applicant. The application was put at the end of the agenda.

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.1.3 of the Ordinance, to permit operation of a private school -- kindergarten thru grade 5, ages 5 thru 11, five days a week; hours of operation 9 to 3; approx. 90 children, 8739 Linton Lane, Mt. Vernon District (R-12.5) S-333-66

Letter from the applicant requested withdrawal as a more suitable location had been found. Mr. Barnes moved to remove the application from the agenda. Seconded, Mr. Yeatman. Carried unanimously. (4-0, Mr. Everest absent.)

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OLD FRONTIER TOWN, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of a miniature western frontier town, commercial recreational establishment, on north side of Rt. 29-211 adjacent to Hunters Lodge, Centreville District (RE-1) S-334-66

Mr. Bernard Cohen, representing the applicant, asked that they be allowed to operate the park on the same use permit as they had last summer, and that they be allowed to include in the "Lady Gay" at the bar, the sale of soft drinks and packaged foods. They would like to have, for example, a barrel of root beer, served in mugs.

Mr. Smith had no objections to the sale of a mug of root beer if dispensed from a keg, this would give some atmosphere, but beyond that, he felt would be getting back to the original problem. It turned out to be practically a restaurant before, he said.

Mr. Cohen said they would like to sell packaged crackers, cookies, cakes, etc. -- nothing would be made on the premises.

Apparently last year's operation was better than ever, Mr. Smith said; originally, it was a nice operation but the previous owners violated their use permit. The applicants should abide by last year's uses and follow these since they were satisfactory. He said he did not object to a keg of root beer, but he did not believe the Health Department would allow it since there was running water in the building but no bathroom, and no hot water heater for washing the mugs. The situation must be sterile as far as the mugs are concerned.

Mr. Cohen said the snack bar is leased to Mrs. Faircloth and the operators of the park no longer control it.

Opposition:

Martin Pedersen, representing Dixie Hill Citizens Association, stated that it is quite true, they have found the operation of the establishment run in accordance with the restrictions placed upon it by this Board. However, there are two things which must be recalled with regard to this establishment -- one, its history; the other, its future. This began as pony rides, gradually evolved into an amusement

park. Soon, there was so much noise from the area, the citizens had to protest. Then came use permits and zoning mistakes. Mr. Pedersen said this because the Master Plan drawn up for the area said there would be no new commercial establishments between Centreville and Kamp Washington, but because the County officials and the citizens realized there was a large investment here, they worked out a compromise. This would allow the applicants to run the establishment and encouraged them to use the area zoned for the snack bar in a better manner so they could make a profit. Two hearings were scheduled for a new group who planned to take over this establishment, but they backed out when they found they might have difficulty in extending this facility, making it more or less into an amusement park. There is always pressure - someone might see this as a wonderful venture and go in there. There was talk at one time of buying equipment from Glen Echo and putting in there. The citizens in the area are opposed to the existence of the park, but they would reluctantly agree to continue or reissue the permit which was in existence last year. They wish to have the Master Plan now in effect watched over carefully by all concerned.

The citizens will have to put their trusts in this Board as presently constituted, Mrs. Henderson said. The Board also is keeping an eye on this operation to see that it does not get out of hand -- and the citizens should not worry about Glen Echo.

Mr. Smith asked Mr. Pedersen if he would object to the sale of root beer.

His answer was - yes, this is a form of escalation. The citizens cannot think over and above of what was granted last year. This was a working compromise and the permit should be identical to the one given last year.

In view of the testimony given both by the applicants and by interested and affected citizens, Mr. Smith moved that the application of Old Frontier Town, Inc., to permit operation of a miniature western frontier town, commercial recreational establishment, on north side of Rt. 29-211 adj. to Hunter's Lodge, Centreville District, be granted the same as granted last year -- no expansion in the park. Vending machines should be in the same specific locations as last year (soft drink vending machines). All provisions of last year's permit shall be adhered to such as keeping the parking lot properly marked, clean of debris, and operated in an orderly fashion, keeping in mind the safety of people visiting the park, especially in entrance and exit. Granted from May 20, 1966 thru October 31, 1966. Seconded, Mr. Everest. Carried unanimously. (5-0)

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YWCA OF FAIRFAX, application under Section 30-7.2.6.1.1 of the Ordinance, to permit use as headquarters in an existing building, approx. 500 ft. south of Old Chain Bridge Road on private drive in rear of McLean Medical Center, Dranesville District (R-10) S-335-66

Mrs. Harriet Bradley represented the applicant. She requested a waiver of one notice sent out in good faith according to the number system which the County has of record. It was returned to them marked "no such address" and they found that it was a corner lot. They investigated this personally, and found that the house was occupied by a tenant with the owner en route from the far East. The YWCA has been in the County only about three years and is operating its headquarters in McLean. They started out in a church basement in a commercial zone but the Health Department and rapid growth chased them out. They moved to the basement of a new office building and are now being forced out because of rapid growth. They felt that the Tyson's area would best serve them but there was no place for them to locate for the next two years. In the interim, they need a large space with more parking, and they found the property subject of this application. It is an old house originally on a six acre tract, at the edge of the McLean commercial district. A group of doctors purchased it and have had the front corner rezoned for construction of a medical office building. The house is a large, very substantial, two story, frame building, with lots of parking space. They would enter this parcel through the medical parking lot. The neighbors have no objection and the Lutheran Church voted 100% to endorse this request. The lease will run for two years and the grounds will not be greatly altered for the parking area. The land is zoned residential but is included for office use in the McLean Master Plan to be heard by the Board of Supervisors. They will use the building only five days a week.

Mrs. Lois Carpenter stated that their membership actually totals about 700 individuals but they would never all be there. Their classes would not have more than 30 people at a time. Most of their programs are conducted in churches and in other areas around the county. This will be their headquarters with some incidental use for classes. They try to carry their program out into the community they are serving.

YWCA of FAIRFAX - Ctd.

Mrs. Bradley stated that they would operate from 9 a.m. to 5.p.m. and sometimes there might be an occasional reason to be there on Saturday. There would be no Sunday operation.

Mrs. Carpenter said there might be an evening class from 8 to 9:30 p.m., but this is rare.

No opposition.

Mr. Yeatman moved that the application of YWCA OF FAIRFAX, under Section 30-7.2.6.1.1 of the Ordinance, to permit use as headquarters in an existing building approximately 500 ft. south of Old Chain Bridge Road, on private drive in rear of McLean Medical Center in Dranesville District be approved for a period of two years - hours of operation 9 a.m. to 10 p.m. six days a week, with parking for 33 cars as shown on the plat. The Board recommends waiver of site plan. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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RICHMARR CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping facilities at the end of Springfield Village Drive, W. Springfield Village, Mason District (R-17 Cluster) S-332-66

Mr. John T. Hazel, Jr., represented the applicant. This application is for a sewer lift station and is approximately 200 yards from the one granted at the last meeting in the name of Carey, he stated. The sewer lift site is owned by the Park Authority with an easement for sewerage facilities. This is another in the system of several temporary lift stations, while awaiting arrival of the County trunk construction program. It is anticipated that this station will be abandoned early in 1968 when the trunk line reaches this area. When the application was filed, Mr. Hazel said the pump was planned and partially constructed 8 ft. from the property line, with the auxiliary power house 8 ft. from the property line and the lift station 8.8 ft. This is R-17 cluster zone and under those provisions, an 8 ft. setback is all that is required. There are two structures involved -- the lift station itself, the manhole substantially below ground, and the auxiliary power house a short distance away. It will be a small concrete block structure with a roof. When the property reverts to the Park Authority perhaps this can be used as a facility by them. This is, in effect, an access strip of Park Authority up to the cul-de-sac and all parts of the cluster development. The station location was approved by the Planning Commission. This is a pre-packaged pump and would serve one subdivision only, with a capacity of about 300. There are diesel generators in the power building in case of power failure It was not feasible to bring in the double power source. The property will be completely fenced with chain link fence.

Opposition:

Mrs. Douglas Phillips discussed the pile of raw dirt next to the power lines and the runoff from the two small springs which has created silt basins. All this is devaluating her property, she said. She said she has appealed to the Park Authority and did not understand why the station was not placed where they have already destroyed the land. She objects to the runoff and siltation.

Mr. Smith felt that Public Works should have an interest in the siltation problem.

Mrs. Phillips said the Park Authority had solved one of the worst situations about which she had appealed to them.

Mr. Robert Bodine said the pump is already constructed and the auxiliary power station is two-thirds constructed. A man was working on the site this morning, he said. He objected to this action before having site plan approval and approval of the Board of Zoning Appeals.

Mr. Hazel said it was his understanding that the applicants had stopped work and applied for a use permit as soon as they found out that one was necessary.

Mr. Rust noted that it was very likely the Board of Supervisors would waive the site plan requirement.

They hope to be in operation within thirty to sixty days, Mr. Hazel stated, and as far as he knew, no one was working on the site.

Mrs. Henderson said Richmarr needs a slight reprimand for going ahead like this.

RICHMARR CORP. - Ctd.

Mr. Hazel said the whole sewer line situation has been in complete turmoil for the past sixteen months and subject to change of location about every two weeks. When these people came in, they were going to use individual sewage plants and the land was zoned on this basis; then, the Bond Issue came in and put an end to treatment plants. Their program went ahead on the basis of temporary pumps and these plants were designed. When the Planning Commission came in with the Pohick Valley Lake Plan, this and Carey's plant were already started. They had houses planned for sewer and the County was to provide it. It was in early February that they finally got the confirmation but at that time the houses were needing treatment. The whole situation was up in the air and had a great deal to do with the haste and speed with which they have gone ahead. In West Springfield no families have moved in but in Carey's Subdivision, fifty or sixty houses are in use. These developers were working with a commitment from the Board that they would have sewer by March.

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Mrs. Henderson read the Planning Commission recommendation for approval.

Mr. Smith said he could see the citizens' concern over construction prior to obtaining permits. This factor should be brought to Richmarr's attention. There was a need for haste here, apparently the County got themselves out on a limb, promising to furnish certain services not available at the time they indicated. He hoped something could be done about the siltation, to alleviate this problem. In the application of Richmarr Corp. under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping facilities (no variance necessary), at the end of Springfield Village Drive, West Springfield Village, in Mason District, he moved to grant the application as applied for. All other provisions of the Ordinance must be adhered to. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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LANGLEY SCHOOL, INC., application under Section 30-7.2.6.1.1.3 of the Ordinance, to permit erection of addition to school, property at 1411 Balls Hill Road, Dranesville District (R-12.5) S-349-66

Mr. Douglass Mackall represented the applicant. The Langley School wishes to build three additional classrooms, he stated. This is a co-op school. Actually they will do away with one classroom and make it into an office, so this will be an increase of only two rooms and increased enrollment. They now have 145 pupils on the property at any one time, with a double shift for nursery school. They would have 205 under the proposed use, pre-nursery thru sixth grade. No parking problem as the parents bring their children. Only nursery, pre-school and kindergarten classes are on the split shift. About 20% of the children are on the playground at any one time. The playground is in the rear, below grade of Balls Hill Road. The architecture of the addition will follow present lines of the building -- brick exterior, one story high, with a flat roof.

Opposition:

Mr. George N. Westley objected to the concentration of the American Legion playing fields, the boys' club complex meeting halls and football fields, tennis fields, etc. All these things are a nuisance to him. The road is narrow and when there are football games, parties by the Legion with loudspeakers, fireworks, parking all over the place, sometimes he cannot get into his own driveway. There is a police substation planned up the road from him and this will mean sirens at all hours. He discussed an accident that occured in front of the school at the blind corner, and the large hedge which interferes with sight distance. He said he planned to fix his residence up for rental.

Mr. Smith noted that most of Mr. Westley's remarks were directed at other things than the school. The Board members appreciated Mr. Westley's concern.

Mr. Smith moved that the application of Langley School, Inc. under Section 30-7.2.6.1.1.3 of the Ordinance, to permit erection of addition to school at 1411 Balls Hill Road, Dranesville District be approved as applied for. It is understood that this will increase enrollment to not more than 205 pupils at any one time. Pre-kindergarten thru 6th grade. The entrance to the parking lot should be repaired to meet County satisfaction and the sight distance as far as the hedge is concerned should also be corrected. All other provisions of the use permit and Ordinance shall be adhered to. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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May 10, 1966 - DEFERRED CASES

HOWARD WICKERT, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of U-Haul trailer rental lot and trucks, on northerly side of Route 1, approx. 200 ft. from Huntington Ave., west of Margie's, Mount Vernon District (C-G) S-284-66

Mr. Dennis Duffy requested deferral for four months. Sun Oil has indicated to the applicant that they intend to expand the station. The applicant did not know this. The area in which they intend to expand the station is the area discussed for the U-Hauls.

Mr. Smith moved to defer to September 13 at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously. (5-0)

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RONALD L. McKINNEY, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 36 ft. from Buena Vista Rd., Lots 13 and 14, Hunting Ridge (1610 Great Falls St.), Dranesville District (R-12.5) V-288-66

Letter from the applicant requested withdrawal. Mr. Barnes moved to allow the applicant to withdraw his application without prejudice. Seconded, Mr. Smith. Carried unanimously. (5-0)
Mr. [illegible] moved to defer to June 21 [illegible]

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THOMAS HERBERT, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Holt Street than allowed, Lot 229, Section 2, Stonewall Manor, (8312 McNeil Street), Providence District (R-12.5) V-315-66

Letter from the applicant requested deferral as notifications had been returned because of insufficient postage. Mr. Yeatman moved to defer to June 21. Seconded, Mr. Smith. Carried unanimously. (5-0)

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THOMAS B. HOWARD, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed and 32.5 ft. from Byrnes Drive, Lot 3, Block 3, Section 2, Grass Ridge (6515 Byrnes Drive), Dranesville District (R-12.5) V-317-66

(Deferred from previous meeting to view property.)

Mrs. Henderson noted that Mr. Howard could conform on the Byrnes Drive side and the size of his carport could be cut down.

Mr. Smith moved that the application of Thomas B. Howard, to permit erection of carport closer to side property line than allowed and 32.5 ft. from Byrnes Drive, Lot 3, Block 3, Section 2, Grass Ridge, Dranesville District, be denied to allow the variance on the frontage - the Byrnes Drive side; that the request be partially granted as to side yard requirements, that the carport be no more than 11 ft. in width, posts be set at 11 ft. from the house. This would be the minimum variance and certainly would afford Mr. Howard an opportunity to construct a carport. He must meet all other provisions of the Ordinance. Seconded, Mr. Barnes. Carried unanimously. (4-0) Mr. Everest had left the meeting.

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BENJAMIN J. LEGANO, application under Section 30-6.6 of the Ordinance, to permit erection of carport 2.6 ft. from side property line, Lot 414, Section 6, Pimmit Hills (1804 Peabody Drive) Dranesville District (R-10) V-311-66

(Deferred from April 26, to view the property.)

Mrs. Henderson stated that there were very few carports in the area. She suggested allowing Mr. Legano to have an 8 ft. roof to stop the water from going into the basement.

Mr. Legano said an eight foot carport would not be adequate; he would rather have a 10 ft. roof so he could use it for his carport.

Mr. Smith felt that allowing a small variance would solve the water problem, and perhaps the Board should reconsider and allow the applicant to place his posts 9 ft. from the property line with an additional 3 ft. overhang; this would solve the problem. He would not be able to get a car in this 6 ft. space but if this would clear up the problem at all as far as the water is concerned, this would do it. One foot variance on the posts and one foot on the roof, and allow the applicant to set the posts 9 ft. from the property line with 3 ft. of overhang beyond that. It would be in conformity and would not project beyond the front of the house.

In the application of Benjamin J. Legano to permit erection of carport 2.6

BENJAMIN J. LEGANO - Ctd.

ft. from side property line, Lot 414, Sec. 6, Pimmit Hills, Dranesville District, Mr. Smith moved that the application be granted in part -- that the applicant be allowed to place his supports or posts for the roof 9 ft. from the side property line and that he be allowed an additional overhang of 3 ft. This would give approximately 9 ft. of protection. These posts are to set in 6 ft. from the house which is actually 9 ft. from the property line. In no case should there be additional applications in connection with this variance accepted because this is maximum as far as the Board is concerned, in this area where there are similar situations. This Board is reluctantly granting this variance in order to alleviate what Mr. Legano calls a bad situation as far as water in the basement is concerned, and for no other reason. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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HENRY J. ROLFS - Extension of use permit for nursing home on Columbia Pike, northerly adjacent to Forest Hills Subdivision

Mr. John T. Hazel, Jr., represented the applicant. This application was granted three years ago, he stated, and has been granted extensions since that time. The advent of Medicare has stirred up a great amount of interest in the nursing home problem and the client which he represented earlier in the day, American Institutional Developers, Inc., has some interest in this property also. Medicare changed the circumstances considerably, and apparently there was no strong citizen feeling to this application, and with that in mind it would not seem unreasonable to allow more time to get something going.

Mr. Smith suggested a 90 day extension.

Mr. Yeatman and Mr. Barnes felt that nine months or a year would be a more realistic time.

Mr. Smith said he felt that 90 days was enough time to get something going and he would be willing to go along after that on the basis of 90 to 120 day extensions as long as the application is alive and active and he can see some progress being made.

Mrs. Henderson suggested a compromise -- four months from now will be the first meeting in September and since the Board has a long vacation this year, that meeting might be very full. This could be put on the agenda for the first meeting in October, giving a five month extension.

Mr. Smith said he would go along with October 11 simply because a new attorney is involved.

Mr. Yeatman moved that the permit be extended to October 11, 1966. Seconded, Mr. Barnes. Carried unanimously.

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OLAM TEKVAH CONGREGATION - Meetings one to two mornings a week for 1 1/2 hours, and on holy days. The Board decided that this was a religious service and they would not be required to hear it.

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CITGO - Annandale Road - Request for extension of use permit beyond June 8 deadline. Plans cannot be reviewed in final form until after complete plans are formed for channelization of Tripps Run.

Mr. Yeatman moved to extend the permit to December 8, 1966. Seconded, Mr. Smith. Carried unanimously. (4-0)

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MERRYDOWNS SCHOOL - If the School does incorporate, the Board agreed that the permit would not change as long as the operators are the ones who got the permit. If they incorporate, the Zoning Administrator should be notified of the name of the corporation and the registered agent.

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Mr. Smith suggested raising the filing fee for variances to $20.00 because this involves as much work and time as the use permits. He moved to approve the following list of instructions for filing applications to the Board of Zoning Appeals: drafted by Mrs Henderson,

Seconded, Mr. Yeatman. Carried unanimously.

POLICY - Ctd.

"All applicants for a Variance from the terms of the Fairfax County Zoning Ordinance or for a Use Permit as defined therein shall comply with the following requirements:

1. Three copies of a certified plat of the property, prepared by a certified surveyor or civil engineer. (The plat may be drawn from a legal description of the property.)

2. The certified plat shall show:

a. Bearings and distances of all property lines.

b. Total area of the property in square feet or acres.

c. Location of all existing buildings or structures and any proposed additions.

d. Front, side and rear setbacks.

e. Ingress and egress from the highway or street.

f. Location on the property of parking adequate for the use.

g. Location of well and/or septic field when public facilities are not available.

h. Name and certificate number of person preparing the plat.

3. Filing fee of $12.00 for Variance. (Check or money order payable to Director of Finance, Fairfax County, Virginia)

4. Filing fee of $20.00 for Use Permit. (Payable as above.)

(by Mary K. Henderson, Chairman)"

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The meeting adjourned at 4:00 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

June 21, 1966
date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 24, 1966 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

LUCK QUARRIES, application under Section 30-7.2.1.3.1 of the Ordinance, to permit operation of a rock quarry at the N. W. Corner of Lee Highway and Route No. 621, Centreville District (RE-1) S-271-66

Mr. Lytton Gibson, representing the applicant, presented his notices, stating that he had discussed with Dr. Ingersoll, adjoining property owner, the purpose of this application on many occasions. Dr. Ingersoll was present and objected because he had not been formally notified of the hearing.

The notices were dated May 19, Mrs. Henderson noted, which did not meet the ten day requirement of the Ordinance.

Mr. Smith said he hoped that Mrs. Collins would be notified as she is a close property owner and is very interested in what happens in this area.

Mr. Yeatman moved to defer the application for proper notices to be given to adjoining property owners. Defer to June 28. Seconded, Mr. Smith. Carried unanimously.

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COMER F. JONES, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 47.7 ft. from Chanel Rd. and 18 ft. from side property line, Lot 33, Section 3, Overlook Knolls, Falls Church District (RE-0.5) V-327-66

Mr. Jones said he wished to build a double garage 20 ft. from the corner of his house, on the side as shown on the plat. He has 44 ft. on the front corner and 20 ft. from the corner of the house would leave 24 ft. The way the lot is laid out, the farthest point is 18 ft. He had talked with the neighbors and described the type of construction, the same brick as the house, and the neighbors have no objection

Mrs. Henderson said she could see no justification for a variance for a two car garage as Mr. Jones could have a one car garage and meet the setbacks.

Mr. Jones said he has a screened in porch now which could be used as a carport but he would like to add jalousies and have a sun room.

The property was subdivided around 1957, Mr. Rust said; it is zoned R-12.5 all around this but this particular subdivision is RE 0.5. It has sewer and water.

Mrs. Henderson said she had driven through the subdivision and had noticied that the adjoining neighbor has also screened in his carport and he might wish to do the same thing as Mr. Jones plans to do - this is not an unusual situation. Most of the houses have one car carports.

Mrs. Jones said their street is very narrow. They live on a curve and it is very dangerous for them to park on the street. They have two cars and they wish to have a double place to park.

Mrs. Henderson suggested having a parking space on the front of the lot for the other car.

Mr. Yeatman said he felt there was a hardship in this case due to the irregular shape of the lot, and also because it is located on the curve.

Mrs. Henderson disagreed, saying the hardship seems to be enclosing the existing carport. There is no justification for building a two car garage. This seems to be a personal consideration.

It is true that there would be a 2.3 ft. variance at one point, Mr. Smith said, but it seemed there was justification for the side variance. The front variance concerns him some, but the 2 ft. is very minor. It could be cut back to a lesser degree - Mr. Jones does not need 20 ft. He said he would like to view the property before making a decision

Mr. Jones said the screened porch which he has was designed so the front screen could be removed and it could be used as a carport. But, in the winter time it takes an expert driver to come in as the driveway turns to the left where it comes down the hill. This is a hazard.

COMER F. JONES - Ctd.

Mr. Jones said they had lived at this address for almost four years and in the winter the snowbanks make it almost impossible to get out because the driveway comes in in such a way that the car slides on the hill. This is an inconvenience and he felt that the property would be improved by this application.

Mr. Everest said he felt the application deserved favorable consideration because of the unusual shape of the lot and because of the size variance being requested, however, he would like to view the property before making a decision.

No opposition.

Mr. Jones said he could move the garage back and cut down on the variance, and the size of the garage.

Mr. Everest moved to defer the application to June 28 to view the property. Deferred for decision only. Seconded, Mr. Smith. Carried unanimously.

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WAGMAN CONSTRUCTION CORP., application under Section 30-6.6 of the Ordinance, to permit erection of columns, 27.8 ft. from Briar Creek Drive, Lot 106, Section 2, Wakefield Chapel Estates, Falls Church District (R-17 Cluster), V-328-66

Mr. Hiss did not have the required notices. Mr. Smith moved to place the application at the bottom of the agenda and allow the applicant an opportunity to be heard today after he gets the notices from his office. Seconded, Mr. Everest. Carried unanimously.

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LEARY SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit a maximum of 70 children for private school and to include summer school, Lot C, A. J. Dean Subdivision, Falls Church District, (RE 0.5) S-329-66

Mr. Dick Hobson represented the applicant. This school is presently operating under a special use permit granted by this Board, he stated. This is a special school and it has been before the Board twice. Once on a previous occasion it was turned down and its present location was approved March 1965. This school is designed to meet a need not met by schools in Northern Virginia, for children called "under-achievers", children not living up to their potential. They are not retarded, but ~~are~~ a problem which can only be met by special instruction in small classes. He said the school has been successful and has met a need in the county and they were requesting permission to raise the maximum number of children permitted to 70 and to clarify the existing permit to include operation during the summer. The existing permit does not mention summer operation. The transition from 50 to 70 children would be met without other construction or facilities to the school. There is one vacant room on the ground floor which would be furnished as an additional classroom. The present facilities include a boys' and girls' restroom, teachers' restroom on the top floor, and these would not require expansion. There are six parking spaces on the lot and space along the driveway for one bus to park there during the day. The Board of Supervisors has granted deferral of construction of the service road in front of the building and other site plan requirements until such time as ~~the service road~~ Columbia Pike has been widened. The service road has been added on the property to the west but the road would not be built here until Columbia Pike is widened in front of the school. The Highway Department does not know when it will be widened up to this point but contracts are being negotiated for widening up to the shopping center. It will be widened some time in the near future but how soon it will be brought up to the school property, no one can say at this time.

Mr. Hobson presented a number of letters from parents requesting favorable consideration of this request.

Mrs. Henderson said she had received one letter in support and one in opposition.

Mr. Hobson said the School will meet all Health and Fire standards.

Mr. Leary reported on the progress of the school, the goals which they set for themselves, and their philosophy and curriculum. The school will be dedicated to raising the achievement of children who are not utilizing their basic potential. Instruction will be given by dedicated, qualified teachers, with the use of modern instruction methods and teaching equipment. The school will also have a well planned physical fitness development program. Children do not like to fail in things. Self-confidence must be restored, therefore, before beginning classes, they test each child to see what his potential is and he is placed at his current achievement level

As the child finds he is capable of having success, he becomes interested and works harder and with a limited number of children in class, the teacher can reach the pupils. As time progresses, the children become interested and wish to learn. The school simply supplies the situation in which the under-achiever can achieve, he is made to feel secure and self confidence returns, and he does the rest by himself. There are no tensions. The school has arithmetic, reading, and two periods of reading for each child per day, language, arts, composition and oral expression, spelling, science and social studies. Since children generally have a deficiency in study skills, they are taught how to perform research. Their physical education program is based on the Royal Canadian Air Force program. They engage in wrestling, tumbling, inside soccer, football and other sports. The school began operation last June and on September 13, after solving sewerage and other problems, the first session opened with 29 students. The schedule was arranged so that each child was placed on a level where he could work comfortably. With many of the children the self-confience which returned to them was a very tangible thing. By late November they began to see real results and the schedule had to be changed to accommodate children who had began to progress. By February they were again forced to change their entire schedule. They had had two open houses for parents and the reports were very encouraging. Many children found that school could be enjoyable after all, and they could succeed. They have children who have gone through two grade levels in one year. They are very thrilled with their first year's operation. The satisfaction of seeing the children find themselves makes it very worthwhile.

Mr. Leary said they wished to adopt a four quarter system. There are seven rooms that could be used as classrooms, but this year they used five. They had room indoors for physical education, boys'and girls' restrooms, drinking fountains outside the restrooms; the parking was adequate, usually with two vacant spaces. The increase to 70 students would mean one or two more teachers. The maximum class size is 15 students, averaging 10 to 11. At present they have 51 applications for the next year and at least four or five more coming in in a few days. Even with the 70 students requested, they will reach that and will still have to turn some away. There would only be about 15 children outside at a time. Their recreation in the summer time will be swimming at Americana-Fairfax.

Mrs. Michael Lorenzo, mother of an eleven year old son, told of her own experiences with the Leary School. Her son did not speak until age 5. They had him tested periodically and after two tests, he was recommended for nursery school so he could associate with other children. He attended for one and a half years but did not progress toward speaking, except for a few words. The second authority recommended that he be sent to a school for handicapped and retarded children but after six weeks they told her he did not belong, he was too intelligent. He continued there for one year, then enrolled for special instruction in public schools. This was all right for a while but soon he became a real behavior problem in school. They tried tranquilizers, which did not seem to help, and then had him tested again. This time they felt that he was a victim of aphasia and suggested leaving him in special education classes, and having him tutored. This is how they met Mr. Leary and last year they enrolled their son in Leary School. He entered at the third grade level and has made tremendous progress both socially and academically. She urged the Board to grant the application to allow 70 children -- this would mean that 20 more children could be helped this year.

Opposition:

Miss Namanny asked if this would be a total of 70 students enrolled in the school, or 70 students on the premises at one time?

Mr. Smith said the Board's policy is not to set the number of enrollment but that the number would be the children present at the school at any one time.

Mrs. Henderson disagreed - she felt the enrollment was to be 70.

Mr. Leary said the enrollment would be 70 students. In the future there will be a four quarter system where children will be coming year round. This summer they would have about 20 to 25 students who are regular students. The others would be remedial problems and would come 1 1/2 hours per day.

Miss Namanny felt that the greatest problem of the school was the constant coming and going and she hoped the school could get on an all day basis to cut down on the traffic.

Mrs. Henderson read a letter from Mr. Ben Scarborough stating that he was opposed to any expansion or activity beyond the existing use permit. No reason was given for his opposition.

LEARY SCHOOL - Ctd.

The traffic is a summer problem only, Mr. Hobson stated, and when Mr. Leary gets the four quarter system, there would be the same operation all year around. What has been going on in the summer time are special sessions to bring certain students who are not up to their proper level up to where they should be. They only stay for 1 1/2 hours each. The impact would be limited to this summer. They will do all they can to keep down the impact on Miss Namanny but the summer operation is different from what has been going on in winter and spring.

Mrs. Henderson asked if the tutorial program could be limited to mornings.

The students are not on an individual basis, Mr. Leary said - they have to sit in whenever the school has these classes, whether it be morning or afternoon. They have buses running in summer and at least half of the students will be transported by bus this summer, with about six parents bringing their children. In the summer they will offer unlimited bus service to all areas. The bus service was limited last year.

Mr. Hobson said Mr. Leary has no intention of using the service road, but when it goes all the way through, they have no more control over it. The land in front of Miss Namanny's property is already dedicated and Mr. Leary will be required to dedicate in front of his property. The Board has specified that Mr. Leary must improve the existing service road up through his driveway. Mr. Leary is encouraging the parents to utilize the bus service.

Mr. Hobson noted a letter from Mr. Hallet in favor of the school.

In the application of Leary School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance to permit a maximum of 70 children for private school and to include summer school, Lot C, A. J. Dean Subdivision, Falls Church District, Mr. Smith moved to approve the application to permit a maximum of 70 children on the premises at any one time; to include a summer session, and approved in accordance with the original granting. This is actually an extension of the use or clarification of one point of it. The permit was granted March 9, 1965 for 50 children. All other provisions of the original permit are to be followed by the applicant. Seconded, Mr. Barnes. Carried unanimously.

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JULIE O. KERLIN, application under Section 30-6.6 of the Ordinance, to permit erection of a fence, 6 ft. high on Cedar Drive and Douglas Drive (1114 Shipman Lane), Lot 19A, Resub. Lots 19, 20, 21 and 22, Section 1, Braewood, Dranesville District (RE-1) V-336-66

Mrs. Kerlin stated that her request was for privacy on one side and to enable her to use to some extent her patio. She needs privacy from the rental units in Kings Manor and the request for the 6 ft. fence is because this is the only way the particular fence which she has in mind is built - this will be an open work, hand hewn, picket fence. She said she has tried to grow holly trees where the road has been cut down, to give more privacy, but the root competition will not allow them to grow. Up until now the traffic past her property has not been much and most of the people were people she knew but with the rental units so close at hand, there will be more people passing her property and her privacy will be destroyed.

At the corner of her property, the road has been cut down to some extent, Mrs. Kerlin continued, and she did not think a 6 ft. fence would obstruct the view any more than a 3 1/2 ft. fence would. She said she took her car and sat next to the curb and the only traffic problem she anticipated would be a person making a left hand turn; coming down Douglas at a place 40 ft. back from the impact area one can see a distance of 100 ft. up Cedar Drive.

Mr. Smith felt this was an unusual situation because of the exposure from three different streets. His only concern was from the safety standpoint, whether or not this fence would interfere with sight distance

Mr. Rust said he had viewed the property and had almost seen an accident at that time, but putting a stop sigh in would solve the major problem.

No opposition.

Mr. Smith moved to defer for decision - June 28. He wished to view the property before taking any action. Seconded, Mr. Everest. Carried unanimously.

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5 copies

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FRANCES BATCHELDER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day nursery in an apartment building (89 children, ages 3 to 6 years), Yorktown Village Apts. (2906 Kings Chapel Rd.), Falls Church District (RM-2G) S-337-66

Mrs. Batchelder said the apartments are almost half way constructed. The school will be located on the ground floor of one of the buildings, with a fenced play area of about 9,000 sq. ft. in the rear of the building. They hope to draw most of the children from the apartment area. They will meet all Health and Fire regulations. They will operate from 7 a.m. to 6 p.m. five days a week, total of 89 pupils, at 20 sq. ft. per child, and will start operation as soon as the apartments are completed. The school will contain four classrooms with 22 children per room. The building should be completed by September or October. It is soundproof and fireproof and the builder has taken quite an interest in this operation.

There was no opposition.

Mrs. Batchelder said they hope to keep transportation to a minimum and eventually hoped that the children within the apartment area could all walk to school. This is a fully air-conditioned, year round operation. There will be a front and back entrance, and plenty of parking. They plan to lease the property for five years with an extension of five more.

In the application of Frances Batchelder, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day nursery in apartment building, Yorktown Village Apts. (2906 Kings Chapel Rd.), Falls Church District, Mr. Smith moved that the application be approved for 89 children; hours of operation 7 a.m. to 6 p.m., five days a week, granted to the applicant only. The applicant makes provisions for transportation of pupils whose parents request it. Applicant shall meet all county and state health and fire regulations in relation to this day care nursery center. All other provisions of the Ordinance shall be met. This is a 12 month operation. Seconded, Mr. Barnes. Carried unanimously.

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C & P TELEPHONE CO. OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center (2935 Gallows Rd.), Falls Church District (R-12.5) S-338-66

Robert Heisley, engineer for the telephone company, represented the applicant. The permit for their present building was granted in March 1962, he said, and now the building is too small so they wish to put an addition onto the building. They will make the addition a size equal to the building there now - it will be located in the rear. They now have 11,000 main stations served from the building and this would increase their capacity to 22,000 and should be adequate till 1973. They have 4.77 ac. with front footage of 248 ft. The addition will meet all setback and parking requirements. They have extended the parking lot just because it is convenient, there is no necessity for it. They have six people there now and after building the addition will have eight, between eight and five o'clock during the day.

Mr. Rust said he was out last week and saw 14 cars parked there. The lot was full.

This was during a period of installation of equipment, Mr. Heisley said. They will have 23 parking spaces with the addition.

Mr. Smith felt there should be at least 25 to 28 parking spaces as there is ample room, unless the applicant could satisfy the Staff that they don't need this amount. There should be a minimum of 25 spaces and if the staff feels it necessary, there should be 28.

No opposition.

Mr. Heisley stated that the one story galvanized building which they had used for storage of repeater equipment is empty now and would be removed. The addition will be the same brick, height, etc. as the present structure.

In the application of C & P Telephone Co. of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, (2935 Gallows Rd.), Falls Church District, Mr. Yeatman moved that the application be approved with a minimum of 25 parking spaces on the property; that all provisions of the Ordinance be met. A portion of the front of the property shall be dedicated to the County for widening Gallows Road. Seconded, Mr. Smith. Carried unanimously.

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W. R. LUCK, JR., application under Section 30-6.6 of the Ordinance, to permit carport to be built 9.9 ft. of side property line, Lot 474, Sec. 5, Keene Mill Manor (6210 Tyner St.) Falls Church District (R-12.5) V-339-66

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Mr. Luck stated that he needs a place to put his car out of the weather. Approximately ten to fifteen per cent of the houses were built with carports originally. This will be an open carport, continuing the roof line of the existing house. The house across the street already has a carport. The model home has a carport closer than this one would be.

Mrs. Henderson noted that this is in a new subdivision. There is no hardship as defined by the Ordinance.

Mr. Smith suggested setting the posts 12 ft. from the property line and this would allow a carport to be built without a variance. There would be a 9+ ft. carport. Placing the posts at the required distance with a 3 ft. overhang makes a pretty nice carport.

It is true that this is only wide enough for one car, Mrs. Henderson said, but it could be extended to the rear and the cars could be put in tandem style.

Mr. Smith said he would like a report from Mr. Rust on the carport on the model home to see whether it is in conformity or not.

No opposition.

Mr. Smith moved to defer to June 28 to view the property. Seconded, Mr. Barnes. Carried 3-2. (Mrs. Henderson felt the application should be denied as a carport could be built without a variance.) Mr. Lucas, Talso vote No.

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WILCAP CORPORATION, application under Section 30-6.6 of the Ordinance to permit erection of buildings closer to property lines than allowed, and to permit end lots with less frontage, lot coverage in excess of 25% and lot area less than 2400 sq. ft., Carper Tract, Old Dominion Drive, opposite Byrnes Place, Dranesville District (R-T) V-340-66

Mr. E. A. Prichard, representing the applicant, stated that this property has been in litigation several times. Some years ago it was under contract for sale to Fuchs, and zoned for high rise apartments. The County was sued and he defended the County successfully. This piece of property was shown as town houses on the recent McLean Plan and so zoned. When Wilcap contracted to build on the property they employed Sheridan Beahm Associates as this is very steep property, falling to Pimmit Run with a difference in elevation of 70 ft., which on a small piece of property is very steep. Also, the property has a difficult rock situation and a report from the Soil Scientist states that the slabs of rock under the property make possible a sliding problem in digging, so the architects have developed a plan to disturb the ground as little as possible. There will be practically no digging. All the access will be in the front of the property. In developing their plan, they ran into all kinds of difficulties with the town house ordinance. They ran into height difficulty because the property is so steep. The houses as planned are 45 ft. on one side and 25 ft. on the other, and the maximum height permitted by the Ordinance is 35 ft. Averaging these, it would come out to 35 ft.

Mr. Rust said he felt it would average out to the required height.

Mrs. Henderson noted that the plat submitted with this application was not a certified surveyors plat, it did not show metes and bounds and no total acreage was shown.

Mr. Smith felt that the application merited favorable consideration but the Board does have specific requirements that must be met.

Mr.Barnes moved to defer to June 14 for new plats. Seconded, Mr. Yeatman. Carried unanimously. (5-0)

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PORTER GOSS, application under Sec. 30-6.6 of the Ordinance, to permit division of property with existing houses, too close to proposed property line, NW corner of Windy Hill Road and Lewinsville Road, Dranesville District (RE-1) V-345-66

Mr. Douglass Mackall represented the applicant. Mr. Goss plans to sell the cottage on the property to his sister, Mr. Mackall explained. The

May 24, 1966

PORTER GOSS - Ctd.

original Magarity house is on the property. It was built in the year George Washington died. The cottage has never been used, except as a guest house, and once as a tenant house. It contains one living room approximately 18 ft. x 12 ft., a small bedroom, one bath and a small kitchen. It meets the Housing Code requirements.

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Is there a septic field for each house, Mrs. Henderson asked?

Mr. Mackall said he did not know, but he was sure that Mr. Goss would work this out with the Health Department. The only problem is that the houses will be too close together when the property is divided.

No matter how the property is divided, Mr. Yeatman said, it still will need a variance. This was built long before zoning laws came into effect.

No opposition.

In the application of Porter Goss, application under Section 30-6.6 of the Ordinance, to permit division of property with existing houses, too close to proposed property line, NW corner of Windy Hill Rd. and Lewinsville Rd., Dranesville District, Mr. Yeatman moved to grant the application according to plat submitted. Seconded, Mr. Everest. Carried unanimously. (Mr. Smith voting in favor purely because of the hardship that would be created if this were not done, and the fact that this was built so long ago. Also because this is a family affair.) 5-0

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DUNN LORING VOL. FIRE DEPARTMENT, INC., application under Sec. 30-7.2.6.1.2 of the Ordinance, to permit erection of a fire house and allow parking closer to property line as shown on plat, Lots 7, 7A and 8, George A. Merry Subdv., Providence District (RE-1) S-326-66

Mr. Seoane did not have his letters of notification. Mr. Smith moved that the application be placed at the end of the agenda. Seconded, Mr. Yeatman. Carried unanimously. (5-0)

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FAIRFAX COUNTY SANITATION DIVISION, application under Section 30-7.2 2.1.6 of the Ordinance, to permit erection and operation of a sewage lagoon and permit closer to property lines than allowed, NE corner of Newington Rd. and Cinderbed Rd., Lee District (RE-1) S-347-66

Mr. Liedl of the Sanitation Department stated that this is a raw sewage lagoon proposed to speed up sewer service to Windsor Estates and Springfield Forest. This is part of the bond program to provide sewer service to these areas in the summer of 1968. The Health Department and the Board of Supervisors instructed them to find a site as soon as possible and this is Sanitation's solution to the problem. They are requesting a waiver of the 1,000 ft. requirements under the Health Department Ordinance.

How can this Board waive a requirement of an Ordinance over which we have no jurisdiction, Mrs. Henderson asked? which authorizes it to vary the requirement in certain circumstances.

Mr. Liedl quoted from Section 22-48.3 of the Fairfax County Code, and said he did not believe the State has a requirement. FHA requires at least 300 ft. There are two raw sewage lagoons in operation now -- a small lagoon for part of Reston, and the one at Hazelton Laboratories. Speaking for the Sewer Department, they do not feel that a sewage lagoon is a permanent method of treatment. It is only temporary, for a maximum of five years. This lagoon is proposed for twenty-four months. The lagoon will operate on about six acres, including spray areas. The wood screen on both sides would be preserved. One of the big objections to this pond has been to the 6 ft. chain link fence topped with two strands of barbed wire. The pond will not be offensive when properly operated, Mr. Liedl continued. He has seen some operating for fifteen years without any solid build up. This lagoon would serve approximately 100 homes from Windsor Estates. These houses have been in existence for about fifteen years and are now having problems with their septic.

Mrs. Henderson asked Mr. Liedl to explain why this particular location was selected over something closer to Windsor Estates.

They started at the upper end but soil conditions and size of the properties were the primary considerations, Mr. Liedl said, and this was the first property on the way down that stood a reasonable chance of making a pond work. They wanted one down along the trunk sewer so they could provide a limited pumping operation. They will have to pump

from the trunk sewer back into the pond. The trunk sewer that is being built from this location on up to Beulah Road is part of the program and they had to pick a site that was adjacent to the trunk sewer. There are no proposals to serve the Hunter Estates at this time but in the future, the Hunter Estates could be served by Long Branch. There will be no trees between this site and the road. They will take out the trees between the sewer and the stream and will leave trees from the stream over. They will grade off the spray areas and seed them and irrigate with sprinkler type equipment if this is needed, to prevent any effluent from going into the stream. There is an existing sand filter system serving the BECCS industrial property at this time and it would be eliminated when the property is served by the lagoon. They have a contract for this line and would like to award it tomorrow. The stream will stay exactly as it is.

In relation to the location of this lagoon, Mr. Smith said, being only 100 ft. from Cinderbed Road, what will be the difference in elevation between the trunk and the bottom of the lagoon?

Mr. Clayton said that from the bottom of the lagoon to the bottom of the trunk sewer would be 8 to 10 ft. - the bottom of the lagoon will be 8 to 10 ft. higher than the trunk line. They would pump right into the bottom of the lagoon. There will be a lift station built in the manhole.

Mr. Yeatman asked about the odor factor in connection with the lagoon.

If you get 25 to 30 ft. away, there should be no odor, Mr. Liedl said.

When the lagoon is properly constructed and the proper water level is maintained, Mr. Smith said one could stand right at it and not get any odor.

Mrs. Henderson asked about the source of water supply in case the lagoon needs water.

Water could be pumped out of the creek if needed, Mr. Liedl replied, but usually the problem is the other way around. With a lagoon there is too much water.

Mr. Smith felt that in order to do away with odor completely, all the trees should be cleared.

None of the trees are large enough to cause a shading problem, Mr. liedl said. The lagoons which the County now operates are sprayed more or less on a certain program, taking the weather into consideration, he said.

Mr. Clayton described the situation in Windsor Estates. Some homes are having septic tank problems; some have pit privies. The soil is inadequate. Some have kitchen problems and some pit privies have no way of eliminating waste water discharge. They have no means of properly using public water until they can get properly carried away discharge and there is only one way they can get it. The majority of the homes are served by pit privies. There are a number of vacant lots there and the County has had applications for septic tanks which could not be approved because the soil was not suitable. Windsor Estates and BECCS and another subdivision will be served by this lagoon and the sand filter system now serving BECCS will be eliminated. The system has been in over a year and appears to be working satisfactorily. The one acre pond will be designed to serve a maximum of 100 homes.

Can people be forced to hook onto the sewer when the main is put in front of their property, Mr. Yeatman asked?

This is only required if they have malfunctioning systems and if sewer is available within 300 ft. of their property so that they can get to it, Mr. Clayton replied. If they have malfunctioning systems they are not permitted to repair them - they must hook on. However, all the septic tanks in Windsor Estates are not malfunctioning.

Mr. Liedl said the "throwaway money" invested in the lagoon will be from $8,000 to $15,000 and it is doubtful that any of it will be recovered. When the lagoon is no longer needed, it will be reclaimed, dried out, regraded and seeded. The County does not own the property but will lease or borrow it for a couple of years. It would not harm the property which is in flood plain and could not be built upon anyway.

Opposition:

Mr. Donald Hall of Hunter Estates, said he had studied lagoons and had visited the Hazelton lagoon, and from his studies, he has found that there are occasions when lagoons are objectionable from the odor standpoint. He said he could smell the one at Hazelton Laboratories but it was

FAIRFAX COUNTY SANITATION DIVISION - Ctd.

not overly objectionable at the time. At certain times when there is shade or cover on the lagoon, odor comes forth. He asked that another location further downstream be considered for this lagoon and presented a petition with 100 signatures to this effect. These people, he said, must travel past the lagoon on a daily basis and object to this lagoon so close to the road.

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Mr. Smith said the 100 ft. off the road was a point with which he was concerned. The FHA has seen fit to lower the requirements to 300 ft. between a house and a lagoon, but the Ordinance still requires a distance of 1,000 ft.

Mr.Ellet Pearson agreed with Mr. Hall's statements and said he, too, had visited the lagoon at Hazelton Laboratores, and while he did not find it as offensive as he had anticipated, he did find it more offensive than he would like to have in his neighborhood. Also, he was curious about the possibility of industrial waste from BECCS being dumped into the lagoon, large amounts of oil or other inorganic material, and said he felt there was a danger of overloading the lagoon.

Mrs. Kenneth Hurdle stated that she did not live in the area but felt that once this application were granted by this Board, there would be no one to come to the citizens' defense if something did go wrong, and she reviewed the history of the gravel operations that were granted in her neighborhood, saying it was her belief that this had made wells in the area go dry, and their citizens had tried to get help from many sources but to no avail.

The gravel operation in Mrs. Hurdle's area has nothing to do with this application, Mrs. Henderson stated, and Mr. Smith agreed, saying he felt that the gravel removal operation did not cause the water shortage as this is a problem all over the County now.

Mr. Clayton felt that gravel removal would not determine whether land would perk or not, it depends on the basic type of soil. You can have gravel in permeable soil or not, and this does not mean that removing it or permitting it to stay would make any difference in permeability. You can also have a malfunctioning septic tank in permeable soil. Many of the malfunctioning systems are malfunctioning because the soil is permeable and water bearing. This type of soil would not be suitable for a lagoon. The sand filter system is temporary, hence the one at BECCS would have to be abandoned once sewer is made available. There is nothing wrong with it. It is operating satisfactorily and cost about $10,000 to install it. No industrial waste will be put into the lagoon, just normal water-carried wastes from the building.

Why not locate the lagoon farther downstream, Mrs. Henderson asked?

They need a location with a limited amount of pumping and where they can get the gray sand hauled in, Mr. Liedl said. The BECCS property meets both conditions. Farther downstream they would have to haul the gray sand and did not know where they could find it. They need a tract the size as outlined on the map in order to have an ample spray area. The spray area is really critical because without it they would have to put effluent into the creek or build a second pond.

Mrs. Henderson suggested several sites where possibly the lagoon could be located, however, Mr. Liedl said one piece of property was being used as a warehouse, one was too small to be used for the lagoon, and the I-G property was being used by a gravel removal operation.

Mr. Liedl said he did not question the statement made by the opposition as to the odor from the Hazelton Laboratories lagoon, considering the type of sewage, the chemicals and the washdown from the pens of the experimental animals.

Mrs. Henderson said she was not convinced that an adequate search had been made for a location and she felt that if another look were taken, they could find a location, even if it were farther downstream.

Mr. Smith said he might favorably consider the application if it met the 300 ft. requirement of FHA but he felt the 100 ft. were not enough.

Mr. Liedl said the 300 ft. requirement is the distance from dwellings and this location would meet that requirement. He hoped the Board would not delay this as the Board of Supervisors will award the sewer contract tomorrow.

Mr. Smith said he hoped Mr. Liedl would find another site or move the location of this lagoon at least 300 ft. off the roadway without creating any engineering problems that are too great.

FAIRFAX COUNTY SANITATION DIVISION - Ctd.

Mr. Liedl said the only thing they could do would be to cut down on the size of the pond. They cannot move farther back into the hill.

Can you turn the lagoon around and maybe get 300 ft. off Newington Road and get closer to BECCS, Mrs. Henderson asked?

The problem is with the soil in the area, Mr. Liedl said. They are going to have to get some dirt from the BECCS property in the back. They have snuggled the lagoon as far back on the side of the flood plain as possible.

Mrs. Henderson read the Planning Commission's unanimous recommendation for approval.

Mr. Smith said he was concerned about placing such a facility in an area where the people adjoining it would not be benefitted by it and he wished to be assured that this was the greatest distance the lagoon could be placed from the roadway.

Mr. Everest moved to defer to June 14 for further study as he was not convinced that adequate study had been made for an alternate site for the lagoon. Seconded, Mr. Barnes.

Mr. Yeatman voted against the motion because he felt that adequate study had been made.

Mr. Barnes, Mr. Smith, Mr. Everest and Mrs. Henderson (because she was not convinced that enough study was made and because the variances requested are excessive) voted in favor of the motion. Carried 4-1.

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DUNN LORING VOL. FIRE DEPT., INC., application under Section 30-7.2. 6.1.2 of the Ordinance, to permit erection of a fire house and allow parking closer to property line as shown on plat, Lots 7, 7A and 8, George A. Merry Subdivision, Providence District

At the present time the Fire Department has a little over two acres, Mr. Seoane stated, and they would like to use all of their available space. The Ordinance requires a certain setback from property lines for parking but they would like to take advantage of all the parking in the rear of the activity hall and the fire station. They need parking for the activities. They will asphalt out to the property line. The adjoining property is vacant. Mrs. Hahn, who was notified, is aware of what the Fire Department plans to do and has no opposition as her husband gave the original Fire Department property 25 years ago. On their present property they have been parking up to the property line. The existing building will be torn down and instead of the 4,000 sq. ft. which they now have, they will put up a 12,200 sq. ft. single story with small half story structure for accommodations for their night men. The engines will come out onto Gallows Road. They now have one pumper, one wagon, two utility trucks and two ambulances, and are anticipating a 46 ft. ladder truck.

Mrs. Henderson suggested moving the fire house closer to Gallows Road and picking up parking space in the back, but Mr. Seoane said they must set back this distance in anticipation of widening of Gallows Road. They will provide 70 parking spaces.

Mr. Rust said 70 spaces were more than adequate; also behind this building is the proposed Marshall Intermediate School with parking adjoining the Fire House property, which could be used for overflow parking if necessary. They are trying to get a sidewalk connection between the two parking lots. Merry Road will be vacated and the entrance to the school location will be where Merry Road is located now. There will be a sidewalk constructed all along Wolftrap Road and the parking bay.

No opposition.

The Planning Commission and Fire Commission recommended approval of the application.

The Board of Zoning Appeals has no authority to vary the parking provisions of the Ordinance, Mrs. Henderson stated.

Mr. Smith said it might be possible to set up a certain number of parking spaces and the overflow could be handled by the school rather than giving the variance for parking, and by the time the installation is in full swing, there would be additional available parking to alleviate the need for the variance.

Mr. Rust suggested paving the road up to the property line and leaving the area along the property line as maneuvering room.

The parking could be rearranged to meet the requirements, Mrs. Henderson said, but this would be left up to the site plan.

In the application of Dunn Loring Volunteer Fire Department, Inc., application under Section 30-7.2.6.1.2 of the Ordinance, Mr. Yeatman moved that the request to allow parking closer to property lines be denied; that the application to permit erection of a fire house be approved, Lots 7, 7A and 8, George A. Merry Subdivision, Providence District. All other provisions of the Ordinance to be met. Seconded, Mr. Everest. Carried unanimously.

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MONTESSORI SCHOOL OF NORTHERN VIRGINIA, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a non-profit private school, (ages 3 to 9 yrs.) approx. 140 children five days a week, school hours 9:30 a.m. to 2:30 p.m., NW corner of West St. and Hollywood Rd., Providence District (R-12.5) S-341-66

Mr. Rust located the property on the map.

Mr. Richard Dixon, attorney, represented the applicant, the contract purchaser of the property. He stated that this was an application for a private school in a residential area, bounded on the north by Westwood Park, a subdivision of houses of approximately $30,000 - $32,000 in value, on R-12.5 lots. The subject property, he stated, is completely heavily wooded and the topography of the property shows it to be slightly higher, about 5 ft. on total elevation, at its west end, generally falling to the center of the property. It receives the outfall of the watershed which serves Westwood Park. The site plan would take care of the drainage problems and water would be picked up from the outfall of Westwood Park as well as the surface water from this property.

Mr. Dixon showed an artist's rendering of what the proposed school would look like. Although the application is made on the whole tract of approximately five acres, the property occupied by the school would be approximately 1 1/2 acres. When the application was filed, a plat was submitted which showed the location of the proposed school; since that time, the location has been moved in view of the potential development of some of the property for residential use. The school might develop and sell off some of the land for residential use, if economics make it necessary, but they will plan to hold the entire five acres for expansion of the school. The school is presently operating in temporary facilities at the Jefferson Village Fire House. This is a non-profit, non-sectarian school, with 97 pupils at present. They anticipate 125 the first year in the new school and 150 the second and third years. Maximum capacity is 150 children. All trees on the property will be allowed to remain except those that have to be removed for construction of the building. This is in keeping with the character of the neighborhood; it would provide a very attractive buffer between the school area and the residential dwellings directly behind it. There is sewer available to the property on West Street. The property does adjoin West Street so there is no problem in reaching sewer. The sewer capacity is sufficient to serve this use. Water is available, no problem in the water supply.

Regarding the impact of traffic, Mr. Dixon continued, the Board will note that there is no residential construction on Hollywood Road. The building as shown on the architect's conception would provide an entrance cul-de-sac so the traffic into the school could leave Hollywood Road, come in on the entrance cul-de-sac and in depositing and picking up children, could park off any main thoroughfare. The architect did not show adequate parking spaces but adequate spaces will be provided. When maximum capacity is reached, there would be approximately 12 instructors -- six teachers, six helpers -- one headmaster, two custodial; allowing five cars that might utilize the facility, 20 spaces would be adequate.

The applicant is most concerned over requirements that the Board has with regard to constructing the school in a residential area, and has impressed that upon his architect, Mr. Dixon continued.

With regard to the adjoining residential area, they met with representatives of Westwood Park, and following that meeting, they think they have a very good understanding with them, he said, and he did not think they were opposed to construction of the school. They indicated to the Planning Commission that they were in favor if the applicants complied with certain things -- drainage from the outfall of Westwood Park -- would agree that the entrance cul-de-sac not extend closer than 25 ft. to the rear property line of the adjoining residences, and that no trees be removed in the buffer zone 25 ft. in the rear of the school bordering residential property. Also, that the school provide additional shrubbery and landscaping to reduce the noise and impact of the school, if necessary. The applicants also agreed that the heating and air conditioning unit on top of the building would be baffled to eliminate noise. Some type of entrance will be provided to lock at night. The applicant feels that the concept of the school and consideration of the area in which the school will go is a proper application.

Montessori School - Ctd.

Mr. Lee Johnson, member of the Board of Trustees of the School, stated that there would not be a pole erected on the property as shown on the architect's sketch -- this is only an artistic license, the equivalent of a number's rod used in classrooms.

Mr. Yeatman asked about the two proposed locations for the school.

Mr. Dixon said there was opposition from adjacent citizens in the first proposed location as there would be a greater impact as opposed to the low area. It may be that the land can all be retained by the school. There is no present intention of selling off any of the land.

Mr. Barnes Lewinger, member of the Board of Trustees, said there is less outdoor activity from a Montessori school than in other types of schools. The Montessori system is directed more to individual activity. Children act as individuals in the classrooms rather than on a group basis. They are most interested in maintaining an environment outdoors that is harmonious to natural environment. All of the children would not be outside at any one time. Based on present experiences and the number of children outside and the kind of activity, they do not feel that this would be a problem. There will be a summer program but it will be limited this summer. The children in the school will be ages three thru nine; there is no grade system.

Mr. Dixon stated that the maximum capacity of the facility would be 150 students; the application reads 140.

Mr. Smith asked if there would be additional screening other than the 25 ft. barrier of trees in the rear.

They offered to put up a fence but the citizens did not desire a fence, Mr. Dixon replied; they prefer the natural barrier of trees and additional landscaping and shrubbery which they have agreed to do.

Since the children in the school now are mostly under six, Mr. Lewinger stated, their work is according to County and State laws within four hours. The children have a short snack period near the end of the morning. Some stay for three hours; the maximum time is four hours. The hours 9:30 a.m. to 2:30 p.m. would apply to those over six years of age. The teachers would be there ahead and beyond that time. The students normally arrive fifteen minutes prior to class time.

Mr. John Remkos, Vice President of the Westwood Park Citizens Association, spoke in favor of the application with certain provisos. They met on May 19, he said, and by majority vote agreed to endorse the application with certain provisos. Their association consists of approximately 155 homes. At the initial meeting they were shown a plat indicating the school to be in the uppermost western part; subsequently, they received plans indicating it to be in the middle. They are concerned about the drainage problem; it has been such a problem they have had to spray for mosquitos. One provision is that drainage problems must be considered regardless of where the school is located. The majority of residents favor the middle location. They hope that the drainage plans, when developed, are viewed by the proper County authorities to insure proper drainage.

As to traffic hazards, at the corner of West Street and Hollywood Road, the shrubbery is 8 ft. high running along the cemetery property. Something should be done about this. The situation will be aggravated when the children are transported to and from the school by their parents. The original plan indicated fencing around the property; the revised plan does not indicate fencing. From the standpoint of the youngsters ages three to six, for their protection, and rather than having them cross boundary lines of adjoining properties, they would prefer fencing to keep the children on the school property. Also they agreed on a fence at the parking lot area, to be chained at night, to discourage a potential lovers' lane problem. He liked Mr. Dixon's suggestion of baffling the noise of the air conditioning unit atop the building, Mr. Remkos continued, and he also felt that the 25 ft. buffer zone with shrubbery and trees would help minimize the noise. If the Montessori School should terminate its occupancy they would like the assurance that the use permit is not transferable as such by them, that whoever the new owners might be, they would have to come back to the Board. If the land is sold to a builder, they would like the requirement that the homes must be built commensurate to what is already in the area -- at present from $30,000 to $40,000. They would like a fence surrounding the play area also for the protection of the children.

Mr. Yeatman was confused as to the exact location of the school - Mrs. Henderson pointed out to him that it must be located according to the certified plat, wherever the school is shown on it.

MONTESSORI SCHOOL - Ctd.

OPPOSITION: Mrs. Jane Horsky of Lot 26 said she had only seen one plan locating the school at the upper end. This morning she was told that it would locate directly in back of her home. She was very concerned about drainage problems, she said, and asked deferral till the Board had the opportunity to view the property. Locating at the lower end would increase the traffic problems, she felt, because there is no traffic light and there already is a hazardous situation at the corner. The trees which the applicant speaks of are less than 75 ft. tall and taking out some for construction of the building would make the school visible from their homes. At the rear of the Horsky's lot there is only a rose fence at present, so they definitely would like a fence in this location.

Mr. Smith assured Mrs. Horsky that the site plan would correct any drainage situations on the property.

Mrs. Horsky felt that the remaining trees should be supplemented by additional planting. A solid fence would hurt their property values, which she felt were going to be decreased at any rate.

Mr. Smith disagreed, saying he had never seen a situation where property values decreased because of a private school.

Mrs. Horsky asked that access be limited to Hollywood Road rather than allowing the school to use the already congested intersection.

Mr. Woodson has indicated that he will try to have the hedge clipped or moved back, Mr. Smith said, and if the application is approved, the school will be instructed to have the parents use the entrance from Lee Highway to Hollywood Road rather than come through West Street, or come in one way and go out the other. As to the location of the school, from the noise standpoint, it would be better located at the lower part of the property.

Mr. Dixon said the location would be in accord with the artist's conception. They will have a certified plat prepared for the Board to pin down the exact location. They would like to use the permit on the entire five acres and pin the school location down in one spot.

In putting the building down in what appears to be the wet spot, Mrs. Henderson asked if Mr. Rust could see any problems.

In the cost of it, yes, he replied.

In drainage, Mr. Dixon said, they would provide for surface water drainage from the higher portions of their property and the outfall drainage from Westwood Park. They engineers will provide for this when the site plan is submitted. As to access, they would ask parents to bring the children in through Hollywood Road and not use West Street at this time. They have 95 children now with 28 car pools. They anticipated 150 children in 40 to 45 cars in two, three or four years. They do not plan bus transportation at this time.

Mr. Smith said the Board would require a certified plat showing the exact location of the building, the 20 parking spaces, etc. before acting on the application. They would have to decide with the neighbors most affected whether the fencing should be chain link or solid wood.

Mr. Dixon said he felt the view of the building would be attractive, but will do all possible to lessen the impact on the residents.

Mr. Yeatman moved to defer to June 14 for site plan showing where school will be located on the five acres. (Certified plat.) Seconded, Mr. Barnes. Carried unanimously.

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of private school, kindergarten thru 5th grade, approx. 90 children, Lots 6, 7, 8, 9, 18, 19 and 27, Blk. 14, Mt. Vernon Hills, Mt. Vernon District (R-17) S-359-66

Mrs. Frazer said there are three houses reasonably close facing Old Mt. Vernon Road. The School would face Curtis Road because of the lay of the land. The land is higher at Curtis. There is nothing on the property at present.

Mr. Everest felt that Mr. Mizelle, owner of the lots had been before the Board on previous occasions for a variance on these lots, however, Mr. Mizelle said he had never applied for a variance on these particular lots.

Mrs. Frazer said the application consists of a total of seven lots and if divided reasonably, would make two good building lots. The building would

be on one lot, the playground on the other, so if in the future the land were no longer used for the school, there would be two separate lots. This meets all setbacks. There would be a total of six classrooms on the first floor and basement level. This is a brick first floor and the lower walk out area will be concrete. It will be a 36 x 46 ft. rambler. There is more than enough square footage per child. The school is located in a church at present. They would move into this building as their permanent home.

Mrs. Henderson noted that parking would have to be arranged differently than shown on the plat - it cannot be this close to the lines.

Mrs. Frazer said hours of operation would be from 9:00 a.m. to 3:00 p.m. Children would start at age five and run through the fifth grade, or approximately eleven years old. There would be no summer operation. They would operate from September 1 through June 15, their maximum time of operation, and have 90 children.

Opposition: William Lawson, President of Mt. Vernon Farms Citizens Association, said he represented Woodley Hills, Sedgewick Forest on Old Mt. Vernon Road and was authorized by the Presidents of the following organizations to speak for them: Riverside, Sulgrave Manor and Mt. Zephyr. He appeared in opposition for three basic reasons -- first, they felt strongly that this is a commercial inroad in a residential area and improper for the area. It should not be allowed to be established, nor should business of any type be allowed in the area. Secondly, the traffic and the number of children in the area already is at a hazardous point. Within less than one mile from this location there are already existing five schools -- three public and two private, with 3,750 children enrolled at present. There are two other schools planned for the area. There is a tremendous traffic load already. Woodley Drive is the only access from this area down to Mount Vernon High School unless you go all the way down to Route 1. There are seven private schools sending in buses already to pick up children.

Mr. Smith compared the number of children in this school and the size of the land, to the public school requirements which are usually ten acres of land for 1,000 youngsters, and said that from the area standpoint the proposed school would exceed County requirements.

Perhaps it would exceed the area, but this school would create a large amount of disturbance to adjacent property even if a fence were put up, Mr. Lawson said. The traffic pattern is such that there is already an inherent danger for the children playing that close to the road. This is an excessive intrusion to the area and the neighborhood and is not fair to the children themselves. There are already a number of public schools in the area and an excellent Montessori school down there and there is no need for this school.

Mr. Smith agreed that many people objected to private schools going into the area but once they are in, there have been no complaints.

Mr. Lawson said his position before the Board represented the feelings of a majority of people in the area and will be underscored by the neighbors next to the proposed school.

Jess Keys, living adjacent to the property, (Lot 20), said the play area would come right up to his lot. From this standpoint and for other reasons brought out by Mr. Lawson, and because of the smallness of the lot, he would oppose the application even with a 10 ft. fence. If there were five acres involved in this application as in the preceding case, he would not oppose it, but with this being only 20 ft. from his property line, he felt he would have to be constantly replacing windows from rocks or balls thrown by the children over the fence.

Mr. Smith assured Mr. Keys that there would be no broken windows to replace. It would be up to Mrs. Frazer to see that this did not happen. The Board of Supervisors has seen fit to place these schools in residential areas and this board is charged with the responsibility of approving or denying an application based on its merits. There is adequate land for this school and the building is one of the best presented. In case the application is granted, the Board will do all it can to eliminate any problems.

Mr. Keys discussed the drainage problems in his area, but Mr. Smith felt the school would not increase those problems as site plan approval would be required if the application is granted.

Mrs. Twigg, owner of Lots 4 and 5, adjacent to the school, said she was not opposed to the school but she discussed the very hazardous traffic situation in her area. The school would not bother her, she said, but she was concerned about the traffic congestion and the children walking to school.

Clyde Gleason living across the road from the proposed school site, said he was sure that Mrs. Frazer's school would be an excellent one, however, that was not the issue. His major point of objection was the traffic situation. He discussed automobile accidents which had occurred in the past near this proposed school and said it is a very dangerous situation. He suggested putting the school down Maryland Avenue within 100 yards of this proposed location, where there is better visibility and the school would be welcomed.

Mrs. Edith Maynor, living at the corner of Maryland Avenue and #235, disagreed with Mr. Gleason's statement that the school would be welcome on Maryland Avenue. She said she was opposed to the school anywhere. They have already reached the saturation point for schools in the area and this one would contribute much more traffic to the area. Maryland Avenue already has a bad situation and the number of school buses is terrific. The noise from the school was another one of her objections. She said she lives one-half mile from the Woodley Hills and can hear the children on the playground, also from Walt Whitman, and it would take a lot of growth to cover the noise problem.

Mrs. Frazer said she had looked at several other locations to locate the school. Some were tied up with title work, making them unavailable, or plots of ground were divided into lots, making them economically unfeasible. She would have to buy as many as four building sites that would be stretched out in a long strip and not be usable. She intends to have a driveway in front of the building for dropping off the children; there would be no parking there. Parking is located in the back. As to the amount of playground area, within the past 1 1/2 years there has been an ordinance provided for pre-school children under age five, but she is not required to comply with this because she does not have four year olds. The Ordinance requires 100 sq. ft. per child in playground area and she has four times that much. The small school with outside activity is very different from public schools. The traffic to and from the school would not be in conflict with the hours of public school transportation. Children would not arrive until about five minutes till 9:00 after the public school children have been transported. The majority of her children would leave at 12:30 and the remaining children, about 30 of them, would leave at 3:00. There would be only about five cars picking up children. Parking would be entered from Old Mount Vernon Road, this being the back of the building. The front would be for drop-off only.

Mr. Smith felt that this was one of the hardest decisions he had ever had to make since being a Board member. He was concerned about safety of all the citizens, he said, but the prime concern was for the youth of the community. It seemed that traffic was the main thing the people were concerned about.

Mrs. Henderson said she could not imagine that Mrs. Frazer, even if she were desperate for a school location, would pick a location that she felt was a hazard to herself, her drivers, the children of the school and their parents, and she realized there were lots of school buses using the road, but felt that traffic was no reason for denying the application.

In the application of Mildred W. Frazer, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of private school, kindergarten thru 5th grade, approximately 90 children, Lots 6, 7, 8, 9, 18, 19 and 27, Block 14, Mt. Vernon Hills, Mt. Vernon District, Mr. Yeatman moved to approve the application for children ages 5 thru 11, maximum of 90 children, hours 9 a.m. to 3 p.m., nine months operation - September 1 thru June 15, maximum dates of operation. All provisions of the County Ordinance and Building Codes to be met. Includes fencing of side property lines to prohibit children from trespassing. Mrs. Frazer can get together with the neighbors to see what kind of fence is agreeable and if a solution cannot be reached, the Board can dictate the type of fence to be used. The fence should be 6 ft. high in the middle of the property to give the neighbors maximum privacy but taper off at the building restriction line to 3 1/2 ft. so as not to interfere with sight distance. Seconded, Mr. Smith. Carried unanimously.

Mrs. Frazer said they would retain as many trees as possible and will landscape the property.

Mr. Mizelle said they would definitely submit a site plan for the entire area involved in the school. All of the lots will be shown on the site plan.

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HIGH POINT COMMUNITY POOL - Mr. Mackall stated that their surveyor had made a 24 ft. error and they requested that they be allowed to operate the pool with 160 parking spaces for 500 people instead of 170.

If you have problems you realize you will have to do something to alleviate them, Mr. Smith said - either eliminate some of the memberships or provide more space.

Mr. Smith moved that the application be amended to delete 170 parking spaces and allow 160 instead, with the understanding that if this does not meet the requirements of the pool facility, the applicants will have to provide additional parking. This reduction is brought about due to an error in the original survey. Seconded, Mr. Barnes. Carried unanimously.

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LYNCH GASOLINE STATION, Old Dominion Drive: The oil company wants to do a four bay Dutch Colonial station, Mr. Lynch said, and would like to reduce the 50 ft. on each side to 25 ft.

Mr. Everest moved that the application be readvertised for public hearing, possibly for the June 21 agenda. Seconded, Mr. Barnes. Carried unanimously.

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MANSION HOUSE - Mr. John Taylor requested that they be allowed to move to pool location farther from Mrs. McDonald's property.

The Board agreed that there would be no changes on the application as granted without a public hearing.

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SHELL OIL COMPANY (Ridgeway property) - 601 Telegraph Road. The Board granted a six months extension - to November 25, 1966.

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RIDGEMONT MONTESSORI SCHOOL (Mr. & Mrs. Joseph Duffy, Jr.) - Mr. Smith moved that the request for extension of one year, with increased enrollment to a total of 50 children at any one time, property at corner of #123 and Saville Lane be approved, from July 1, 1966 to July 1, 1967. The applicant must meet all other requirements as indicated. No other provisions of the permit shall be altered. It will remain in the name of the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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The Board agreed to uphold the Zoning Administrator's recommendation regarding increased fees. Both use permits and variance applications should have a $25.00 fee to cover costs of the applications.

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Board will meet July 5 instead of July 12, day of the primary.

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The meeting adjourned at 7:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

July 14, 1966 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 14, 1966 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

CITY OF FALLS CHURCH PUBLIC UTILITIES, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of a 1 1/2 million gallon water standpipe tank, Lots 13, 14 and 15, Doncaster Estates, Providence District, R-10, S-352-66

Mr. LaRue Van Meter, City Attorney for the City of Falls Church, represented the applicant. By buying enough land, he said, there is no requirement for obtaining a variance to locate the tank here. There is an existing tank built in the early '40's now located on the property. It is 25 ft. high and has a capacity of approximately .6 million gallons. The property will be landscaped and maintained. They are not too happy with the older tank, he continued, they have had some bad luck with it. They have not been able to keep sod there, but they will remove the gravel and put dirt there so vegetation can grow. They will do a job on both tank sites at the same time and will fence with a stockade fence. The property involved contains approximately 31,000 sq. ft.

Mr. John Patteson stated that the tanks would serve the Merrifield area with a present population of 2,300; by 1980 the population should be 8,000 and this would take care of the increased population. The tank could not be put within the city limits because of the elevation. Their present tank was painted dark green about four years ago. The diameter of the proposed tank is 105 ft.

Mrs. Croner, Lot 105 adjacent to the tank, said they were not opposed to the new tank but have been opposed to the lack of maintenance and no beautification of the old one. She has had a going correspondence with Falls Church, complaining to them, and her only reply was by telephone. She discussed problems of having the tank drain onto her property and asked for proper drainage. With the assurance that Falls Church will beautify the old tank, they will not be opposed to the new tank, she said. Getting the old tank painted four years ago took a lot of work on her part, Mrs. Croner continued. The land was sodded but there was no fence and the children pulled it out. There has to be some fencing put around both tanks.

How many times has the tank been painted since 1951, Mr. Yeatman asked? Twice, Mr. Patteson replied.

Mr. Yeatman said if the application is granted there should be a stipulation that the City paint the tanks at periodic times to keep the beautification.

No opposition.

Mrs. Henderson read the Planning Commission recommendation for approval.

In the application of City of Falls Church Public Utilities, to permit erection and operation of a 1 1/2 million gallon water standpipe tank, Lots 13, 14 and 15, Doncaster Estates, Providence District, Mr. Smith moved to grant the application in view of the Planning Commission recommendation and after hearing the testimony given at the hearing. This would be an improvement over the existing situation that they have with the existing tank. The only complaints were that water is a problem as far as drainage is concerned, and the lack of maintenance to the existing tank. The applicants have indicated that they will, in accordance with plat submitted, provide stockade fence for the existing tank with trees planted to screen the tank and other steps would be taken to sod and plant grass here, and properly maintain the tanks. In connection with the proposed additional tank, the stockade fence shall be continued and sodding should be placed in the area closest to the tank. All trees in existence shall be left and additional planting put in as indicated by the plat. All other conditions of the Ordinance in connection with this water installation shall be met. Seconded, Mr. Barnes. Carried unanimously.

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B. L. DAUGHTRY BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit porch to remain 47.3 ft. from Hillcrest Road, Lot 81A, Mill Creek Park (8208 Hillcrest Road), Falls Church District (RE 0.5) V-342-66

B. L. Daughtry Builders - Ctd.

Mr. Maddox, represented the applicant. The original staking out of this lot was made so that there would be a 53 ft. space between the front of the porch and the street, but soon it was discovered that the sewer line was of such a height that it would be necessary to move the house forward. The engineer was contacted and asked how far the house could be moved forward without violating setbacks and in checking his notes, he evidently missed the fact that a porch was to be constructed. The building was moved forward six feet and constructed, and the violation was not noticed when the wall check was made. The error was discovered at the final check. The distance from the street to the front porch is well over 50 ft. at this time and there is no likelihood in the future that the additional dedicated area will be paved. The overall design of the house is such that removing the porch would destroy the design of the house.

Mr. Daughtry said he has built about one million dollars worth of business in the County and this is his first mistake. The sewer was the real problem. It would have cost the County $400 to lower the sewer in front of the houses and this one was so critical when they moved it, an oversized sewer line had to be put in.

No opposition.

Mr. Yeatman moved that the application of B. L. Daughtry Builders, Inc., to permit porch to nemain 47.3 ft. from Hillcrest Road, Lot 81A, Mill Creek Park (8208 Hillcrest Road), Falls Church District be granted, as this was a mistake. Seconded, Mr. Everest. Carried unanimously.

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T. R. SCHMITZ, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 48.1 ft. from Braddock Rd., Lot 44, Sec. 2, Brecon Ridge (4801 Prestwick Dr.), Centreville District, RE-1, V-343-66

The gas line easement runs across the property parallel to Braddock Road and evidently one of the gas line stakes was confused with the corner stake and they got off 1.9 ft., Mr. Schmitz said. He is constructing the two houses for sale and this was strictly an error in stakeout.

No opposition.

Mr. Smith moved that the application of T. R. Schmitz, to permit dwelling to remain 48. 1 ft. from Braddock Road, Lot 44, Sec. 2, Brecon Ridge (4801 Prestwick Drive), Centreville District be approved as applied for in accordance with plat submitted, and statements by the applicant indicate that this application should be considered under the mistake provisions of the Ordinance. Apparently, there was a mistake here due to the gas line right of way over the property. Seconded, Mr. Barnes. Carried unanimously.

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MANOR DEVELOPMENT, LTD., application under Section 30-6.6 of the Ordinance, to permit dwellings to remain closer to street property lines than allowed, Lots 9, 10, 11, 12, 13, 16, 17, and 18, Sec. 1, Hawthorne Manor, Lee District (R-12.5) V-344-66

Mr. Jack Stevens represented the applicant. He said they were making the application under the "mistake clause" in the Ordinance as they have a problem with the non-supporting decorative columns on their houses. All of the houses with exception of Lot 16 were staked out by the surveyor. Lot 16 was staked out 9/10 ft. over by an employee of the builder. The employee of the builder who was charged with overseeing the construction and supplying the surveyor with plans failed to advise the surveyor that they were going to put porches on the houses. It was after the houses were sold that this matter came to their attention. Their violations run from .9 ft. on Lot 16 to a maximum of 5 1/2 ft. The man in charge just made a mistake. The surveyor had no knowledge of the planned porches. From Lots 13 and 14, which are not concerned with the application, down to Thornwood Drive, there is a 9 ft. grade involved.

Out of eleven lots, you are asking variances on all except three of them, Mr. Smith said. He could understand the builder making one mistake, but not to make eight out of eleven. Apparently, this is a lack of communication of people making the applications - they are not taking their jobs seriously enough.

This was the builder's first venture in building and the man who made the mistake is no longer employed by the company. The porches were always planned by the builder.

Manor Development - Ctd.

The President of the Corporation noted that the error was not discovered until the last house was ready for settlement. They were not aware of the mistake and made it consistently throughout the project. The problem essentially is that the gentleman who was employed to handle this phase of operations told the engineer to stake out a 24 ft. x 50 ft. house and failed to tell him of the porch.

Mr. Smith asked how the surveyor could certify a house location plat to submit to the County and the lender.

Mr. Jackson, the surveyor, said at the time the final plat was made, some of the pillars were up on the houses and some were not.

Apparently the surveyor has been submitting the final plans to the County and the builders have added porches or posts after. The plan should show the final phase of house construction including all porches, posts, etc., Mr. Smith said.

In most cases, Mrs. Henderson said, it is not the surveyor's fault, but the builder's fault for not supplying full information.

Possibly this is a case where the builder is at fault, Mr. Smith said. If they told the man in charge to put posts in here, it was not his fault, but the builder's fault. If he shows an open porch, and then adds posts, this causes violations.

Mr. Everest moved to defer to July 5 to view. Seconded, Mr. Yeatman. Carried unanimously.

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MARGUERITE B. DAWKINS, application under Section 30-6.6 of the Ordinance, to permit division of property with less street frontage than allowed, proposed Lot 1, Robert B. Dawkins Sub. (1000 Belleview Rd.) Dranesville District (RE-2) V-346-66

Mr. Randolph Church represented the applicant. The reguest for variance is based on the irregular shaped parcel of land, and because of hardship. Mrs. Dawkins has owned this property since before the Zoning Ordinance was enacted. The problem comes on the corner lot. There has never been more than 140 ft. on Belleview Road. They propose to divide the parcel into three parcels substantially in excess of the two acres which is the required zoning. The property adjoins a lot of record so that cuts Mrs. Dawkins off from getting any more frontage. This is the only variance requested.

This is a very reasonable request, Mr. Smith said. He felt that every effort had been made to work this out without asking for a variance and the applicant has done a good job of subdividing these lots.

No opposition.

In the application of Marguerite Dawkins, application under Section 30-6.6 of the Ordinance, to permit division of property with less street frontage than allowed, proposed Lot 1, Robert B. Dawkins, Subdivision, 1,000 Belleview Road, Dranesville District, Mr. Smith moved that the application be approved as applied for. This is a minor variance on Belleview Road and this being a corner lot it would be impossible for the applicant to meet the Ordinance requirements on frontage. In view of the fact that adjoining property has little frontage and is occupied at present and has been for many years, it could not be acquired by the applicant. All other requirements of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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W. H. MCCONNELL (ACCOTINK ACADEMY), application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection of addition to existing private school, 320 children; hours of operation 8a.m. to 6 p.m. (8519 Tuttle Rd.) part of Lots 30 and 31, Fairfax Park, Falls Church District (RE-1) S-348-66

Mrs. McConnell said they have 160 children enrolled for the fall and 40 waiting to get into the school. They would like to add a wing to their present school, which would give eight classrooms. The addition would be the same construction as the present building. All the drainage problems have been solved. They now have a well, but water will be coming into the area soon. They are asking for a total of 320 youngsters, two four hour sessions. Would like their hours to be from 8 to 6 because if the County opens a kindergarten they will be forced to have first and second grades. They would make available all day care if the County opens kindergarten. No one would live on the property.

W. H. MCCONNELL - Ctd.

The Board cannot grant hours 8 to 6 at this time, Mr. Smith said; if you want to do this later on, you would have to come back to the Board, he told Mrs. McConnell, and the permit could be amended.

Mrs. McConnell said the septic system would be doubled and the Health Department has approved 320 children in two shifts. One shift would be from 9 to 12 noon and 1 to 4. The first grade will be from 8:30 to 12:30 and from 12:30 to 4:30. They would like to operate next summer, perhaps to have a day camp, but would not operate this summer.

The minutes of July 1965 state that in three years there should be a full re-evaulation of the case, Mrs. Henderson stated. In May 1965 it was granted with hours 9 to 12 noon, and 1 to 4, with summer day camp and no more than 60 children on the premises at any one time.

Mrs. McConnell said she only allows twenty children outside at any one time.

Mr. Smith moved that the application of W. H. McConnell (Accotink Academy), to permit erection of addition to existing private school, for 320 total enrollment, but no more than 160 students on the premises at any one time, be approved. Property is located at 8519 Tuttle Road, part Lots 30 and 31, Fairfax Park, Falls Church District. Hours of operation are from 8 a.m. to 4:30 p.m. This is a 12 month operation. Children ages 4 thru 6. The existing school was granted under use permits of May 1965 and July 1965 and should be extended to include this application. This is a two session school. There should not be more than 20 children on the playground at any one time. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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L. R. BROYHILL, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 28.1 ft. from Lindel Lane and 31.2 ft. from Lakevale Drive, Lot 73, Sec. 1, Lakevale Estates, Providence District (RE 0.5 cluster) V-358-66

Mr. Broyhill and Mr. Fred Wilburn were present. Mr. Wilburn said his office was requested several months ago to lay out the house on Lot 73. At that time there were several houses to construct in Lakevale Estates. A gentleman on his staff went out to place the house on the ground and in the course of stakeout an error was made of which they were not conscious at the time. The house was staked. The next occasion they had to visit the property was for layout of the sanitary sewer. During stakeout of the sewer it was noticed that the house was under construction to the point where a wall check could be made. At this time they discovered the violation, they ceased construction and filed for a variance. This is cluster development. Setbacks in the development are two different setbacks from the street, depending on street width. They need a 13.8 ft. variance from Lakevale and 1.9 ft. from the other street. The adjacent property owner does not object.

Mrs. Henderson asked why locate houses at such an angle on the lot that it makes addition at a later date almost impossible.

In this case, Mr. Broyhill, the purchaser of the house requested it to be located in this manner.

No opposition.

Mr. Yeatman moved that the application of L. R. Broyhill, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 28.1 ft. from Lindel Lane and 31.2 ft. from Lakevale Drive, be approved as applied for. Seconded, Mr. Everest. Carried unanimously.

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EDWARD R. CARR, application under Sec. 30-6.6 of the Ordinance, to permit erection of town houses with variance on lot coverage, less setback from rear property lines, east side of Rt. 638, approx. 1,000 ft. south of Old Keene Mill Road, proposed Reigate subdivision, Mason District (R-T) V-364-66

Mr. Henry Mackall represented the applicant.

Mrs. Henderson noted that some members of the Board are very disturbed about the number of variances on town houses which are in the spirit of the ordinance not yet adopted.

Mr. Mackall said he felt they had a good basis for requesting this variance.

EDWARD R. CARR - Ctd.

The variance ordinance states that if there are unusual physical conditions on the property involved in the application, Mr. Mackall said, a variance can be granted and there is an unusual feature of development on adjoining land. The property is shown as R-12.5 all around this property on the map but in reality it is not R-12.5 at all. It is a country club with golf course. He pointed out the proposed tennis courts and the existing swimming pool on the north side of the property, the golf driving range on the east side of the property. The property involved in the application is little more than 13 acres, it is fairly steep and narrow. In the development of this property there are two particular features of adjoining property aside from the fact that it is all golf course land. On the north side where the swimming pool and tennis courts are located, the developer has provided a buffer zone. All of this tract is now wooded, for a buffer zone of woods along the swimming pool and tennis courts and a 30 ft. buffer strip on the east side where the golf driving range is located. They have provided a 90 ft. buffer which will remain woods on that side.

The other feature, Mr. Mackall continued, is that the road for entrance to the property will be toward the southern part of the frontage rather than the north where a large cut would be required. The houses will actually front on an interior street so the bank and trees that will be planted along Rolling Road will be left pretty much in its natural state and make for better development.

The variances requested fall into two categories: first, is to permit the houses to occupy more percentage of coverage than set forth in the Ordinance. Mr. Carr wants to build larger, nicer houses so they are asking for 39% coverage rather than 25% as allowed by the Ordinance. Not all of them, however, would fall into this category - it would be the maximum of any variance they would need. Second, they wish to permit the rear yard in certain cases to be 20 ft. In the lots backing up to the golf course the requirement for the rear yard is not nearly so important in this case because of the open space and golf course next to it. They also have woods on the other two sides. The purpose is to permit houses to be set back a little farther from the street than they would otherwise have to be. To stagger these houses, some will set back farther than others. There are three different house plans; the largest to be 40 x 24 ft. which would be 960 sq. ft. They don't need a front variance.

Basing coverage on the largest unit comes out to be 15% coverage of the gross acreage, Mr. Rust said, or 101 960 sq. ft. units, well within the scope of the planned concept for this type of house.

Mr. Mackall said parking will be on the property and the Board of Supervisors have granted a variance on this. The sidewalk will be on the property, close to the houses. Each house will have two parking spaces in front and a paved strip from the sidewalk to the dedicated street. The dedicated street will contain an island to divide the parking from the main street.

Mr. Smith noted that he felt this concept was good.

The application in most cases exceeds the proposed town house ordinance requirements, Mr. Rust stated, and the rear yard setback is the only minimum they have met under the new ordinance.

Mr. Robert Bodine called attention to a typographical error on the agenda.

No opposition.

Mr. Yeatman moved that the application of Edward R. Carr be granted according to plat submitted, deleting any request on setback from the front property lines. This application meets the requirements of the proposed ordinance which this Board hopes will be adopted in the very near future. Seconded, Mr. Smith. Carried unanimously.

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TOWN & COUNTRY DEVELOPMENT CORP., application under Section 30-6.6 of the ordinance, to permit erection of dwelling 40 ft. from Royal Oak Drive, Lot 43, Sec. 1, Olde Swinks Mill Estates, (7521 Royal Oak Dr.) Dranesville District (RE-1) V-353-66

Applicant's representative stated that the lot has 205 ft. frontage. They are making this request to keep the house up, having an additional 10 ft. Even though they have a large lot, of the 203 ft. depth they have only 127 ft. on the left side of the usable yard because the rest is in easements. The property drops off sharply in the rear to the

sewer easement. The house is set back 75 ft. on the corner. Lot 2 will have the same contour line. They are trying to keep as many trees as possible. There is a bad slope on the property and the sewer easement created additional problems. There is a 10 ft. drop, and the extra feet would put the house down where the roof would set below the line. Putting the house in the proposed location would fit in nicely with the other houses.

No opposition.

Mr. Everest moved that the application of Town & Country Development Corporation as stated, be approved as applied for, due to topographical conditions surrounding the property. All other provisions of the Ordinance shall be met. Seconded, Mr. Smith; Carried unanimously.

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EVA S. GUEST, application under Section 30-6.6 of the Ordinance, Lot 4, to permit less frontage of lot than allowed by the Ordinance, Lot 3, variance of setback from front and/or rear lines, proposed Lots 3 and 4, Eva S. Guest property, Falls Church District (R-12.5) V-361-66

Mr. John T. Hazel, Jr. represented the applicant. These three parcels were the subject of a town house application which was violently opposed by the citizens in the area, Mr. Hazel stated. He had advised Mrs. Guest to attempt to work something out with the citizens. They reviewed it as a single family subdivision and felt that would economically work out, providing a variance could be obtained on Lot 3 and 4. This is a variance on setback to 105 ft. rather than 173 ft. There is no variance required on the house setback location. Lot 3 has ample side setbacks but again, narrowness of the lot requires setback variances on the front setback of 16 ft. to allow the rear setback to be met. This was discussed with the citizens and they suggested that the front setback be the one that ought to give and have the rear setback maintained. They saw no adverse effect from changing the front setback. All the lots are as large or larger than adjacent lots on Heritage Hill. He presented a letter on behalf of 14 lot owners adjoining the property in favor of the application.

Mrs. Henderson suggested meeting the setback on Lot 4 and facing Oreana Drive.

The slope is such that you could build a house facing Americana Drive and this would get it farther away from the citizens, unless there is some reason for facing Oreana, Mr. Smith said.

Mr. Hazel agreed that this would make better development. They would need a variance on both lots and frontage on Lot 4, 24 ft. from Americana Drive.

No opposition.

Mr. Smith moved to approve the application of Eva S. Guest, application under Section 30-6.6 of the Ordinance, Lots 3 and 4, Eva S. Guest property, Falls Church District, to allow houses to be placed no less than 24 ft. from Americana Drive. All other provisions of the Ordinance shall be met. This is granted for a 32 ft. variance on Lot 4 from Oreana Drive (on the frontage of the corner lot) and 16 ft. variance on setbacks on Lots 3 and 4. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM R. BARENTINE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30 ft. from Marshall Place, Lot 1 and one half of Lot 2, Block C, Collingwood Manor (1122 Chadwick Ave.) Mt. Vernon District (RE-0.5) V-366-66

Mr. Barentine stated that he proposed to build a house 50 ft. from Chadwick and 30 ft. from proposed Marshall Street, to face proposed Marshall, with entrance off Chadwick. This requires a 20 ft. variance on Marshall which will probably never be opened up.

Mrs. Scholtz spoke in favor of the application and said they had been granted a variance to do this at the suggestion of the Board at the time they came up for hearing.

No opposition.

Mr. Smith moved to approve the application of William R. Barentine as applied for, in accordance with plat submitted. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

WILCAP CORPORATION, application under Section 30-6.6 of the Ordinance, to permit erection of buildings closer to property lines than allowed, and to permit end lots with less frontage, lot coverage in excess of 25%,and lot area less than 2400 sq. ft., Carper Tract, Old Dominion Drive opposite Byrnes Place, Dranesville District (R-T) V-340-66

Letter from the applicant's attorney requested deferral because the required plat had not been completed. Mr. Smith moved to defer to July 5 at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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FAIRFAX COUNTY SANITATION DIVISION, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage lagoon and permit closer to property lines than allowed, NE corner of Newington Road and Cinderbed Road, Lee District (RE-1) S-347-66

Mr. Liedl said they had searched the area again, but due to elevation requirements, soil requirements, ground water table, and house location, there was no other site in their opinion that would do the job and do it with the least harm to the adjoining area. He had checked with the Highway Department, and on Newington Road going west, the only road from which the installation would be seen, the traffic count revealed 714 autos in a 24 hour period. Soil consideration is primarily the stumbling block in the whole area. The way it is presently planned to be located, the elevations, the spray area to the north, should not cause any problems to any of the residents. This cannot be seen from Cinderbed Road because it is all wooded and the trees are not going to be cleared. Coming down Newington Road from Beccs Court, down to the east edge of the pond, there is an open space where one can see over the pond area. The area is unsightly now and they don't think they will change the character to any extent.

This application is asking the Board to grant a 900 ft. variance, Mr. Smith said, and he was concerned about this. In all fairness to everyone and the 700 cars passing per day, possibly 1400 people, this is a factor which he was concerned about.

This facility should not bother anyone any more than the existing treatment plant, Mr. Liedl said.

Mr. Smith felt that the lagoon should maintain a 300 ft. setback from the roads.

Mrs. Henderson suggested turning the lagoon around and getting it farther away from Newington Road.

Putting it back up in the bank would not gain anything, Mr. Liedl said. They are setting it in with the existing topography now, sloping down from the east. Moving it back would increase the pumping and create a drainage problem into the pond. They feel this is the best site on the whole Run. The Health Department has given approval to this location and this would be a variance to a Health ordinance.

Mrs. Henderson said the Board of Appeals has no authority to grant a variance from anything but a Zoning Ordinance.

Mr. Smith agreed with Mrs. Henderson and said he would like to hear from Mr. Clayton. Granting this application would set a precedent.

Mr. Barnes said he did not object to the application because it is of a temporary nature.

Mr. Liedl said the lagoon would be removed when sewer comes in. This is the only plant proposed by the County. It would not be an eyesore and would not change the character of the neighborhood.

The Board agreed to discuss other matters while waiting for Mr. Clayton to arrive.

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DR. ROBERT MOUSER - Request for extension of time on building animal hospital - he has been unable to secure the equipment which he needs.

Mr. Rust said site plan had not been presented.

Mr. Everest moved to grant a six month extension from May 11 to see whether Dr. Mouser is really interested in pursuing the project. This should allow him time to submit the site plan. Seconded, Mr. Yeatman. Carried unanimously.

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CENTRAL TV & APPLIANCE CENTER - Can this be established by RCA in a CN zone? They will have 30 trucks.

The Board agreed to defer for more thought.

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JULIE O. KERLIN - Mr. Rust said the Highway Department plans to grade the intersection down 2 1/2 ft. and make this a standard intersection. Douglas Drive will dead end with a stop sign. They are under bond for a period of one year. Mrs. Kerlin wants to put the fence up to screen construction as much as anything else.

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Mrs. Peggy Platner presented a letter from Mrs. Harrellson regarding the application of Northern Virginia Apartment Owners & Lafayette Estates Housing Corporation. Mrs. Harrellson feels that the application granted to the firm in McLean is legal so therefore her own application also is legal.

Mrs. Henderson said she felt that Mrs. Harrellson's argument should be with the Board of Supervisors. This is in the hands of the courts now and has nothing to do with the decision of the Board of Zoning Appeals.

What Mrs. Harrellson is asking for, Mr. Smith said, is something to inform the FHA that the BZA had authority at the time of this decision to grant use permits such as the one granted to Lafayette Housing. There should be some action taken on the letter since it was directed to the Board.

Mrs. Harrellson wants the Board of Appeals to advise FHA that the Board of Supervisors' action was not legal, Mrs. Henderson said, and that is not within the Board's prerogative at all.

The only thing to be considered here is that the Board of Supervisors themselves did not take this action, Mr. Smith said -- a member of the Board took it on his own, but the Board of Supervisors, according to this letter, requested Mr. Massey to address a letter to FHA and as far as he was concerned, Mr. Smith continued, this letter does not indicate to FHA that this Board had the authority. It merely says that FHA is taking a look at this and deciding whether there is a need for it, and if so, going ahead. Now the Board should clarify this letter. If they are in opposition, so state, and if not, so indicate to FHA. He suggested that Mr. Woodson address a letter to FHA stating that this was an action taken by an appointed Board - a proper board.

Mrs. Henderson designated Mr. Smith to answer the letter and she would answer Mrs. Harrellson's letter.

Mr. Smith said he wondered whether the Board of Appeals would consider a resolution requesting Mr. Woodson to address a letter to the proper authorities and seeing if he could remove the cloud of doubt as far as the authority of the Board is concerned.

Mrs. Henderson stated that there were two members of this Board who doubted their authority.

Mr. Everest suggested that the letter Mr. Smith was looking for should come from the Commonwealth's Attorney - stating that the Board did have the authority.

Mr. Smith moved that the Commonwealth's Attorney be asked to clarify or remove the doubt of the authority of the Board of Zoning Appeals of Fairfax County to grant to the Lafayette Housing Estates Corporation a use permit for use as granted at the time of granting in January 1966. Then the applicants could either be granted or denied the money to construct the project. Seconded, Mr. Barnes. Mr. Everest voted against the motion. Messrs. Yeatman, Smith, Barnes and Mrs. Henderson voted in favor. Carried 4-1.

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FAIRFAX COUNTY SANITATION DEPARTMENT - Ctd.

Mr. Liedl suggested having the Health Department approve all taps for connections to this line - this could be designated to serve existing development rather than new development coming in and that would make this application different so there would be no need to worry about setting a precedent if this application were granted.

Mr. Smith said he wanted to be assured that this would be a temporary structure if the lagoon were granted and that it would be controlled by the Health Department with no new construction allowed to hook on.

FAIRFAX COUNTY SANITATION DIVISION - Ctd.

There might be some people along the line that could utilize this facility, Mr. Smith continued -- the Hunter Motel, for example.

It would require an extension to get to the motel property, Mr. Liedl said, but if the Health Department rules that Hunter Motel is an existing hazard, it could be a legitimate use.

Mrs. Henderson asked what the reason was for putting in the requirement of lagoons being 1000 ft. from the property lines.

That was to insure that this would be considered by more than just the Health Department, Mr. Clayton said, and so that anything less than the minimum required by FHA and some of the others would be considered by the Board of Zoning Appeals and they could make the exception, if necessary. This was suggested as the reasonable distance that most people would not object to, not for any particular health reason.

Mr. Smith said he felt there was a need for the facility and he would like to see it serve some of the immediate needs such as the Hunter Motel, if these people are willing to bear the expense and if the lagoon has the capacity.

Mr. Clayton said they could check on the capacity and certainly consider this.

Opposition: Mr. Hall quoted from FHA pamphlet - Publication #720 - regarding distance from habitation. He said he understood that the motel was operating satisfactorily now but if they expand the sewerage is not adequate. He suggested that the lagoon be moved back at least 300 ft. from the roads.

This cuts down on the spray area, Mr. Smith said.

Mrs. Henderson asked what is the capacity of the proposed lagoon and what is the extent of the immediate need.

The capacity is 100 homes, Mr. Clayton said - the immediate need is about 50 or 60 homes right now.

Some of the homes in Windsor Estates cannot have water put in their homes because of the sewage problems, Mr. Clayton continued, and many of them have connected to public water and have outside faucets which they are using until they can get sewage disposal.

If they cannot afford public water, how are they going to pay for the sewer connection when it is provided, Mr. Hall asked?

This is an easy FHA financing, Mr. Liedl replied.

Mr. Smith explained that the Health Department will not allow them to use running water in their homes until they are connected with a sewer system.

A lady in the audience who did not identify herself was concerned about the expense of this temporary facility. If the people have waited this many years without sewer facilities, why not wait two more years for the sewer system?

Mr. Everest said the money for the facility had been allocated by the Board of Supervisors and this Board is only being asked to approve the location.

Mr. Smith moved that the application of Fairfax County Sanitation division, application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of a sewage lagoon and permit closer to property lines than allowed, NE corner of Newington Road and Cinderbed Road, Lee District, be approved to permit the lagoon 100 ft. from Cinderbed Road and Newington Road, with the proviso that the Health Department not allow any hookups to this facility or to the trunk line serving this facility until such time as trunk line is connected to permanent disposal plant. The only people allowed to utilize the emergency use of the lagoon and the trunk line shall be limited to citizens living in the area -- no new construction will be allowed to utilize it. This lagoon shall be at least 100 ft. from both roads. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Frazer said she had talked with both of her neighbors and had agreed on a woven redwood fence between her property and the Twiggs; the neighbor on the other side had not decided what type of fence he wanted. The Board agreed that the fences would look better if they both were the same woven redwood.

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The meeting adjourned at 2:45 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman
July 14, 1966 Date

June 21, 1966

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m., Tuesday, June 21, 1966 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

CRESTWOOD CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit porch to remain 19.5 ft. from rear property line, Lot 3, Block 17, Section 4, Country Club View, Falls Church District (RE 0.5 cluster) V-351-66

Mr. Roy Spence represented the applicant. The house backs up to property that is not part of this subdivision, he stated. The subdivision is currently under construction and the house in question is not yet completed - it is about 90% complete. This particular house was built on plans following a model home on the property. The floor plan was laid out so the porch could be in this particular spot. If the porch were at the other end, it would not be in violation but the model home as laid out shows the porch in this particular location and because of the odd shaped lot, the porch was thrown into violation by 5 1/2 ft. It would cost from $300 to $500 to remove the porch.

Opposition: Mr. Arnold Mallan, acting as spokesman for a group of five property owners, all of whom were present, stated that it was their desire to maintain their privacy and open space and they were opposed to the granting of this application. It would destroy property values, their privacy and freedom of open space.

(Messrs. Everest and Smith arrived.)

In view of two clauses in the Ordinance, one because of the irregular shaped lot, and the mistake clause, Mrs. Henderson said the application seemed to be a reasonable request and she did not understand how granting it could be detrimental to the general neighborhood.

It would certainly detract from the value of a $35,000 home in the eyes of a prospective buyer, Mr. Mallan said and they feel that the applicant has encroached on the property line by setting the house back and taking advantage of an extra 5 feet.

Mrs. Henderson pointed out that the front setback meets requirements - the requirement is 30 ft. and the house sets 39.8 ft. from the property line. If they had put it at 30 ft. there would not be need for the variance and the porch would still be there.

Mr. Yeatman stated that Crestwood has a very good construction record in the County; they have built many homes and this is the first variance request of this kind since he has been a Board member.

Mr. Ray, adjacent property owner, said he had to abide by all County laws when he built his home and he felt that Crestwood should be required to do the same.

It seems to be an honest mistake, Mrs. Henderson said. If there were any intent to pick up extra land, the situation would be different but there is room and they could have put the house closer to the front and met all setbacks. This certainly appears to have been an error in stakeout and it is a peculiarly shaped lot.

Mr. Spence said he was willing to stipulate that the porch would be an open porch and would not be enclosed.

Mr. Ray asked if Crestwood would give them a stub for sewer.

Mr. Smith said the Board had granted Crestwood a permit to construct a lagoon to serve the property while homes are being constructed and if Mr. Ray could tie in his house along with some others in the area and not work a hardship on the lagoon, they might be able to work it out, especially if there are any problems with their septic tanks.

Mr. Mallan said he had talked with Mr. Steinberg and he had said at this time it would put too much strain on the lake, however, Mr. King in Sanitation said that now was the time to get this up to the property line and the extra five houses would not be a "drop in the bucket". Some homes do have sewer problems now.

CRESTWOOD CONSTRUCTION CO. - Ctd.

Mr. Smith advised Mr. Mallan to discuss this with the Health Department and they can work it out with Sanitation.

Mr. Spence said he would discuss the matter with Messrs. Steinberg and Hengen to see what could be worked out.

Mr. Rust pointed out that there is an easement of record for sewer between Lots 3 and 4, an existing 10 ft. sanitary sewer easement. Normally the developer is required to provide an easement, which the applicant has done, and the property owners have to bear the cost of laying the line at this time or the County does it when the overall sewer goes in. He said he did not recall that Sanitation had ever required the developer to provide the line. They have provided the easement and it is recorded and this would be something the five property owners would have to work out with Sanitation. They might have to bear the cost of laying the line and possibly might be reimbursed later on, but if they lay the line, they are not required to pay the tap-on fee.

In the application of Crestwood Construction Co., application under Section 30-6.6 of the Ordinance, to permit porch to remain 19.5 ft. from rear property line, Lot 3, Block 17, Section 4, Country Club View, Falls Church District, Mr. Yeatman moved that the application be approved as applied for under the mistake clause of the Ordinance. This was not an intentional mistake. Seconded, Mr. Everest. Carried unanimously. (5-0)

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CLAUDE H. SHEAR, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, at 9377 Richmond Highway, Mt. Vernon District (C-G) S-355-66

Mr. Shear stated that presently there are a service station and restaurant on the property and he would like to sell some used cars also. He is the owner-operator of the station and the restaurant is leased to someone else. There would be no junk cars on the property. The station was built in 1948 and he has owned it for twelve years. He would not use the rear part of the five acres.

Mr. Smith suggested moving the used car operation another 100 ft. to the rear as he felt the front property was being overcrowded. He would have to move back 100 ft. and off each side property line 25 ft.

Mr. Shear was agreeable to that and said he would put a bluestone surface on the parking area. All of his cars would be in operating condition.

Mr. Smith noted that the dustless surface would have to meet Health Department requirements. Perhaps the bluestone could be treated to make it dustless since it is next to the restaurant.

No opposition.

In the application of Claude H. Shear, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, property at 9377 Richmond Highway, Mt. Vernon District, Mr. Smith moved that the application be approved, not as applied for, but that Mr. Shear be allowed a permit for a used car operation under certain stipulations: that he move the operation back 100 ft. from the property line on Richmond Highway and move it 25 ft. from the side property lines on both sides. No parkin or accumulation of wrecked or stored vehicles other than those owned by Mr. Shear. There shall be a dustless surfacing of all of the area to be used in the opera tion in connection with the permit as indicated. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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JAMES E. HOOPER, application under Section 30-6.6 of the Ordinance, to permit erection of three stores on right side property line, Lot 11 and 12, Gordon's Addn., West Falls Church, Providence District (C-G) V-356-66

Mr. Yeatman moved to defer to July 5 for proper notification as the notices were not sent out ten days in advance of this hearing. Seconded, Mr. Smith. Carried unanimously. (5-0)

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J. E. & E. N. HOOPER, INC., application under Section 30-6.6 of the Ordinance, to permit variances permitting the following: (a) avg. lot area of 3300 sq. ft., (b) minimum lot area of 2200 sq. ft., (c) coverage requirement to a maximum of 50%, (d) side setback on end lot to be 10 ft., (e) front setback to be 10 ft., (f) rear setback to be 30 ft., (g) end lot to be reduced to 30 ft., (h) patio walls and fences to extend into yards, proposed Bellehaven Towne, Sec. 2, Mt. Vernon District (R-T) V-362-66

J. E. & E. N. HOOPER, INC. - Ctd.

Mr. Mackall and Mr. Nealon represented the applicants. The existing town houses were built under the existing Ordinance with certain variances granted by the Board of Supervisors, Mr. Mackall stated. There will be very little difference between the existing area and the proposed area. There will not be a streetthrough the mall area.

Mr. Rust noted that the street was dedicated in the first section so each lot could have street frontage.

Mr. Nealon stated that the property would be sale property. The architectural front is toward the mall. There is a dedicated street so maybe legally this would be the frontage.

Mr. Rust said it would actually be the rear yard but under the Ordinance it is the legal frontage. This would be a continuation of what the Board of Supervisors granted in the beginning.

Mr. Mackall said the parking would be on the private street. They have provided almost two parking spaces per unit and the new Ordinance will require 1 1/2 spaces. They are not allowed to count parking on service drives, but it does exist.

No opposition.

In the application of J. E. & E. N. Hooper, Inc., application under Section 30-6.6 of the Ordinance, to permit variances permitting the following: (a) avg. lot area of 3300 sq. ft., (b) minimum lot area of 2200 sq. ft. (c) coverage requirement to 50% maximum, (d) side setback on end lot to be 10 ft., (e) front setback to be 10 ft., (f) rear setback to be 30 ft., (g) end lot to be reduced to 30 ft., (h) patio walls and fences to extend into yards, proposed Bellehaven Towne, Section 2, Mt. Vernon District, Mr. Smith moved to grant with the maximum number of units allowed 10 per gross acre; that screening conform to the screening requirements set forth by the Board of Supervisors in the granting of variances in the first section of this town house group; that there be at least a minimum of 1 1/2 parking spaces provided for each living unit in the development, and that all other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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MEYER ABRAHAM, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage and area than allowed, proposed Lots 1, 2 and 3, Abraham Subdivision, (NE corner Fowler & Ellison Sts.), Falls Church District (R-10) V-357-66

The applicant requested that the application be placed at the end of the agenda as his attorney was not present yet. Mr. Smith moved to place the application at the bottom of the Board's agenda. Seconded, Mr. Barnes. Carried unanimously.

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SOCONY MOBIL OIL CO., application under Section 30-7.2.10.2.2 of the Ordinance, to permit service station to be built on west side of Route 7, across from Pimmit Hills, Dranesville District (C-N) S-369-66

Mr. Hansbarger, representing the applicant, stated that he wished to amend the application by deleting the request for side yard variance. At the time of rezoning, some questions were raised as to whether or not this could be used for some other type of commercial and there was opposition present, requesting that this be placed into a C-O category to assure the citizens that this would not become another gasoline alley. The property is bordered on two sides by RM-2G property which is already developed so it is not likely that this zoning classification would change. On the other side the property is already zoned. Route 7 is designated as an arterial highway and takes priority so far as improvement is concerned. They are asking for a service station which has been known since the time of rezoning. They have always maintained that this would be a Mobil Oil Service Station. It meets standards and requirements of the Ordinance. There is an existing Mobil station on Patterson Drive behind the shopping center but it does not have ready access onto Route 7. They started out with 41,000 sq. ft., but because of highway taking, median strip, etc. it has been reduced to 29,000 ft. The property behind the gasoline station will be kept in grass and landscaped.

Mrs. Henderson asked about the zoning of land below the Crater property.

Mr. Rust said it is presently in RE-1 zoning but is in the Master Plan for apartments and C-O uses.

The oil companies are doing an excellent job, Mr. Smith said, and he commended them for it. They have recognized their responsibility to the community and the difficulty in obtaining locations.

Mrs. Henderson said she would like to see some planting in front of the station if there is room -- petunias, for example; however, Mr. Smith felt the Board should not instruct the dealers to plant flowers. Grass was all right as far as he was concerned.

Opposition: Carl Coan from the Falls Hill Citizens Association, said they were not too happy about having a gasoline station here and they were concerned about this becoming a gasoline alley. No rezoning application has been filed on the property east of Crater, and presumably this could become a gasoline station also. Their feelings represented before the Planning Commission and Board of Supervisors indicated that they felt zoning for office buildings would be a more appropriate use of the land and they still feel the same. However, the rezoning was approved for the gasoline station, but he understood that the design and architectural layout would be worked out with the citizens in the area and they have not been contacted so far. He suggested that the Board defer the application to give the citizens an opportunity to work out a desirable type of station for the property. They would also like to discuss the possibility of a wall in front to completely mask the station.

Falls Hill is quite a way from the proposed station, Mr. Yeatman noted.

"But we are concerned about the development along Route 7," Mr. Coan replied. He admitted that Pimmit Hills would have greater concern but they were unaware of the hearing today.

The fact that the adjacent use is of similar nature and the fact that the Board of Supervisors saw fit to rezone both parcels for gasoline stations, Mr. Smith said, would put the Board of Appeals in a rather precarious position unless citizens can indicate to the Board that there is an adverse effect on the adjoining property owners. Both the Planning Commission and the Board of Supervisors decided that this was a proper use for the land and the only consideration this Board can give is to location and adverse effect on property owners in the area. The Board of Supervisors and Planning Commission do the planning for the County; the Board of Appeals planning is only for the building itself. He said he thought the Board of Appeals had done an excellent job and commended the oil companies for their help in construction of Colonial type stations.

Mr. Coan said he realized that a decision had been made for the use of the property but they were not happy about it and were concerned about the type of station that would go here.

Mr. Smith asked if Mr. Coan felt the station shown in the picture by Mr. Hansbarger was a properly designed station and reminded him that the BZA could not require an applicant to do something unreasonable.

Mr. Coan said the station in the picture was more attractive than some, but since there was no urgency for the station, he requested a two week deferral, or if the Board grants the station, they would require something in front of the station, perhaps a low wall and green strip with plantings.

There would be a safety factor involved, Mr. Smith said, and there could not be anything there that would interfere with the free movement of traffic. The Board must approach the matter from a reasonable standpoint - they cannot grant one oil company a use permit for a service station adjacent to this particular use, and make this use more restrictive than the first application.

It is not this Board who creates gasoline alleys, Mrs. Henderson noted; the Board of Supervisors does this by granting rezonings for gasoline stations.

Mr. Hansbarger said there was an agreement at one time to meet with the citizens to discuss the type of station to be erected. The Board of Supervisors deferred the matter and the applicant met with the citizens. Mr. Coan did not attend the meeting but the President of the Pimmit Hills Citizens Association was there. After the public hearing was completed, the citizens again requested a deferral and came up with new evidence. They were scolded in a mild degree by the Board of Supervisors for coming up with a different situation that had never been discussed with the applicants and it was the Supervisor from that district who made the motion to grant the rezoning. He said he was perfectly willing to have the Board place restrictions but if the application were deferred at this time, he would not work with the citizens.

SOCONY MOBIL OIL CO. - Ctd.

Mr. Rust said the property in front of the station would be required to be seeded or sodded but it is questionable whether or not the Highway Department would allow anything such as a wall in front of the station - they would object because of sight distance.

Mrs. Henderson questioned the screening between the RM2G property and this property. Mr. Rust said the apartment developers were supposed to screen at the time the apartments were built because this property was zoned residential at that time.

In the application of Socony Mobil Oil Co., application under Section 30-7.2.10.2.2 of the Ordinance, to permit service station to be built on west side of Route 7, across from Pimmit Hills, Dranesville District, Mr. Smith moved that the application be approved in accordance with the Ordinance as to setbacks and that the land to the rear of the service station be made a part of this granting - to be maintained as much as possible in its natural state with no trash collection; that this be a two bay colonial type service station. For service station use only, no trailer, automobile or tool rental. No rental of any kind. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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Mr. Smith left the meeting.

WALLACE M. HALE, application under Section 30-6.6 of the Ordinance, to permit erection of dining room over existing porch 12 ft. from side property line, Lot 619, Sec, 5, Lake Barcroft, Mason District (R-17) V-363-66

Col. Hale stated that the neighbors have no objection to his plans for building a dining room over his enclosed porch. The house was built in 1954 and the porch was authorized at that time.

No opposition.

In the application of Wallace M. Hale, application under Section 30-6.6 of the Ordinance, to permit erection of dining room over existing porch 12 ft. from side property line, Lot 619, Sec. 5, Lake Barcroft, Mason District, Mr. Everest moved thatthe application be approved as applied for, all other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried unanimously. (4-0, Mr. Smith absent.)

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SPRING-MAR PRE SCHOOL COOP. ASSOCIATION, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school, hours of operation 9 a.m. to 12 noon (48 children), Lots 1, 2, 3 and 4, Blk. 5, Sec. 1, Cardinal Forest, Mason District (RPC) S-364-66

Mrs. Bristman and Mrs. Stevenson represented the school. They would operate the school in a church, for children ages 3 to 5. Hours would be from 9 a.m. to 12 noon - one session only. There is lots of play area. This will comply with the County nursery school ordinance. The area behind the school is completely wooded. They have operated at the Springfield Christian Church for three years and this is the transfer of that operation to another location. They are asking for 48 children in this location because the rooms are larger. Their present permit reads 44 children. This would be a 9 month operation - no summer program.

No opposition.

Mr. Everest moved that a use permit be granted to the school as applied for; this is for a 9 month operation. All other provisions of the Ordinance shall be met. This Board shall be notified of any change of officers of this program. This will allow 48 children from 9 a.m. to 12 noon, as applied for. Seconded, Mr. Barnes. Carried 4-0, Mr. Smith absent.

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SOCONY MOBIL OIL CO., application under Section 30-6.6 of the Ordinance, to permit service station 47 ft. from Chain Bridge Rd. and pump islands 20 ft. from Chain Bridge Rd., Lot 59B, Old Courthouse Subdv., (2084 Chain Bridge Rd.), Providence District (C-G) V-365-66

Mr. Fitzgerald represented the applicant. At present there is an abandoned service station on the property, which was put out of operation at the time the Highway Department took some of the property for improving the intersection. The old building would be tornedown and a new station would be erected. Many other C-G uses could be put on the property which would not have to set back as far as a service station.

SOCONY MOBIL OIL COMPANY - Ctd.

This would be a brick station with redwood trim.

No opposition.

Mr. Yeatman moved that the application be approved as applied for, with the suggestion that they build the GRAHAM architectural type of station as granted at Arlington Boulevard and ~~Gallows~~ Road. Seconded, Mr. Everest. Carried unanimously. (4-0) Mr. Smith was absent.

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DEFERRED CASES:

THOMAS HERBERT, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Holt St. than allowed, Lot 230, Sec. 2, Stonewall Manor (8312 McNeil St.), Providence District (R-12.5) V-315-66

Mr. Nealon stated that the carport is under construction and the request is to allow it to extend over the building restriction line 6.4 ft. in front and 2.4 ft. in the rear. The house was ready for occupancy in 1964; his firm did the survey and it was an error on their part in 1964. In March 1965, Mr. Herbert called Mr. Nealon's office to see if he could build a carport. The office looked at the survey and said he could.

It is not up to this Board to correct mistakes made by the surveyors, Mrs. Henderson said - the carport would not fit on the lot anyway and there is no topographic reason for granting a variance.

No opposition.

Mrs. Henderson suggested turning the patio into a 10 ft. carport in the rear, extending toward Holt Street to the 40 ft. line. There is an alternate location.

Mr. Yeatman moved to defer to view the property - to July 5. Seconded, Mr. Everest. Carried 3-1, Mrs. Henderson voting against the motion and Mr. Smith absent.

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MONTESSORI SCHOOL OF NORTHERN VIRGINIA, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a non-profit private school, ages 3 to 9 yrs., approx. 140 children five days a week; hours 9:30 a.m. to 2:30 p.m., NW corner West St. & Hollywood Road, Providence District (R-12.5) S-341-66

More engineering work has been done since the last hearing, Mr. Dixon said, and because of problems in sewering the property, it was necessary for them to show an area within which they would place the building rather than locate it at this present time. He urged the Board to grant a permit to locate the building within the area shown on the entire tract, and presented certified plats of the property. In placing a boundary fence, four out of five adjoining land owners indicated that they wanted a chain link fence; the fifth did not make a choice. Also they will provide parking for 11 cars, three more than necessary to service the school personnel. They are providing a 25 ft. buffer along the site between the school and adjacent residential property. Any overflow traffic, at PTA meetings, for example, could park on the cul-de-sac, Mr. Dixon continued. There is room for about 30 cars here and it would be during the time when no traffic would be moving in and out. The entrance would be chained to deny traffic during the hours the school is not in operation. The children would come in car pools and the entrance would be designed so that traffic can move in and out continually and discharge the students.

Mr. Mays, attorney, and Mr. Schull, consulting engineer, were present representing National Memorial Park Cemetery. They expressed concern over drainage onto the cemetery property which could result in damage to the cemetery. He did not appear at the original hearing, Mr. Mays said, because he had not been retained by the Cemetery at that time. He said he had given Mr. Dixon complete information as to the Cemetery's objections.

Mr. Barnes felt that Public Works and site plan approval would take care of any drainage problems connected with this application.

Mr. Everest assured Mr. Mays that any action taken by the Board would be subject to provisions of the Ordinance, including site plan approval. Then the drainage would have to be worked out so the cemetery would not be damaged. It might make the cost so prohibitive that the school could not go here, but that control is not within this Board.

The proposed location of the school building was in deference to some of the wishers in the subdivision to the rear and because Mr. Smith wanted to pin it down, Mrs. Henderson said, but she would be willing to grant a permit and let the school be located in the most feasible spot.

Mr. Schull gave a report on the drainage, and indicated that any activity on this property would aggravate the drainage situation which they now have across the cemetery property.

Mr. Schull located the property under discussion on the map. To the north, he said, and up the watershed from the property, is the Westwood Park Subdivision which presently discharges storm drainage from approximately 40 acres into a 30 inch pipe, and runs across a dense section of woods. At Hollywood Road is a 15 inch concrete culvert which slopes down from the end of Hollywood Road. At the cemetery property there is a small pipe which the owners put in many years ago for their private use and as the area has developed, the pipe has become inadequate. There are certain problems present now. The pipes are not large enough and excessive storm water has to flow over the surface of the ground which results in deposits of silt on the headstones and plaques, resulting in constant maintenance as silt gets on them. At the time Westwood Park was under consideration, the cemetery owners met with Public Works and the developers, and drainage was done at that time in accord with County standards. The requirements now would be for larger pipes running into the 18 inch pipe in National Memorial Park. The 30 inch pipe is presently discharging into this property so anything downstream would have to be 30 inches or larger. It would have to either come through the cemetery or go all the way around Hollywood Road.

This information has been very interesting and very beneficial to the applicant, Mr. Everest said, but it is not the Board's duty nor do they have the educational background to consider drainage problems. This should be taken up with the proper section of County government. The Board must determine the feasibility of the school on the property and the effect on citizens in the County. The drainage information should not have any bearing on the Board's decision as they have never considered drainage in the past. All motions are made in such a manner that issuance of a permit is contingent on approval by other authorities in County government.

For this reason, if the permit is granted, Mrs. Henderson said she would not like to pin down the location of the building.

In all fairness to the people here representing citizens at the last meeting, Mr. Everest said, the application was deferred for building location and they were quite adamant about where they wanted the school to be placed. One of the reasons for not having it on top of the hill was that they felt by putting it at the bottom it would screen and protect from noise from the school. If the Board grants a permit for the entire area they would be violating the confidence of the people who were present in interest of their own properties. He said he did not believe the applicants were familiar with the cost of developing the property and he would hate to see them find themselves in a trap that they could not dig out of.

Mary McCloud, real estate agent handling the sale of the property, said the land had been under contract for four months and the applicants have had plenty of time to find out all the details.

The people putting this property together are not professionals, Mr. Everest said, they are parents who want to get a school built to educate their children. If this were a professional developer, he would say let him take his chances, but he did not intend to vote on the application today.

Mr. Dixon said they had not had complete engineering work done as is natural in a case such as this. The applicant is a contract purchaser and it is contingent upon this use permit being granted for erection of a school. They recognize that there is a drainage problem. The existing County policy provides for a downstream property owner to pick up whatever surface waters may be deposited onto his property, provide the drainage for the entire tract and provide outfall off his tract into existing drainage swales. To follow that policy through would require a preliminary drainage plan by Public Works and regardless of where the building is placed, surface waters for the entire tract have to be taken care of in the drainage plan and carried across the property to be discharged into a swale that now exists. The problem with the cemetery would be corrected because surface waters from this tract and outfall from Westwood Park cannot pass across this tract and discharge into a swale because of the fact that this property has acted as a receptacle. Consequently, the park now does not even get normal outfall that they would experience as surface water proceeds across this property. The drainage system for the park property was constructed prior to site plan ordinances. In a situation as exists today the park would have to construct a drainage system that would be adequate not only for their own use, but also for the whole watershed just as the applicant will be required to do if he constructs on this property. The drainage system that will have to be provided by the applicant for construction is something within the provinces of Public Works and if damage occurs to the cemetery, they are ably represented by counsel and their recourse is of civil liability and not of opposition to the use permit. All considerations of this Board

regarding drainage have been met. With regard to the location of the school, the rendering which he brought showed the location of the school in the drainage swale; this was done by the architect, there was no engineering work done on it at that time. The application was deferred to allow them to do some preliminary work giving some idea of where the building should be placed. Now they are asking for an area in which the school could move laterally when final engineering work has been completed. Regardless of where the school is placed, the drainage problem remains the same. As far as considerations this Board should make, the applicants feel that they have complied fully and ask the Board not to disapprove the application on grounds of drainage.

Are the parents aware that this might develop into an expensive situation, Mrs. Henderson asked?

Mr. Mays gave them a copy of the letter giving all engineering data, Mr. Dixon said, and he has discussed with them the civil liability and procedure they will face in site plan approval, etc. They are aware of all the problems. They don't have the answers yet but feel that those are problems they should be allowed to face later. They still have between now and July 1 to make terms on engineering and to make settlement. The applicant has retained Cross & Adrian as their architects and Copeland-Watson as their engineers. They will provide answers to the problems.

Mr. Everest moved to defer to June 28. Seconded, Mr. Barnes.

The contract which the applicant has with the owner of the property provides that the property must be settled by July 1, Mr. Dixon said, contingent upon securing of a use permit. If the permit is not secured, the applicant is not required to settle. The engineering work which the applicant is allowed to make under contract is also a contingency so if he is dissatisfied, he does not have to settle by July 1 because of his information. The applicant is fully protected both as to securing the use permit and the engineering data. If the applicant comes up with a different solution and wants to buy the property and the Board denies a use permit on grounds of drainage, this would not be within the confines of this Board.

Lots of eager parents are involved in schools and are not aware of the problems. They could get stuck, Mrs. Henderson stated.

Motion to defer tied 2-2; Mr. ~~Barnes~~ Yeatman and Mrs. Henderson voting against the motion (felt it could be decided today); Messrs. Everest and ~~Yeatman~~ Barnes voting in favor. MOTION LOST.

Mrs. Henderson asked if any of the adjoining residents were present. She would like to know what the attitude would be since these people have signed a paper showing the area in which the school would be located. If it turns out to be engineeringly unfeasible to put the school in that location, and it must go on high ground, what would their feelings be?

Mrs. Wayne Johnson said the majority of the citizens association was concerned with the matter of drainage from the five acre tract. For that reason they felt that if the school were located in the low part of the property the drainage would have to be provided, otherwise, the time might come when the school would sell off some property to a developer and the situation would not be corrected. If the school is built down there, they would have to drain it now. On a hill, the drainage might not have to be taken care of immediately. The majority of their association wants to be assured that the entire drainage will be taken care of at this time.

Mr. Yeatman moved that the application be denied - this is not a proper location for the school. No second.

Mr. Barnes moved that the application be granted, that the location of the school will be as shown on revised plat of April 14, 1966, revised 6-16-66 by Watson, located as shown in red, and if it cannot be located in this spot, will have to come back to the Board for further hearing. All other provisions of the Ordinance shall be met. No second.

Mr. Everest moved to defer to June 28 for further study and for full Board to be present. Seconded, Mr. Barnes. Carried 3-1 (Mr. Yeatman voting against the motion; Mr. Everest, Mr. Barnes and Mrs. Henderson (because the Board was obviously getting nowhere) voted in favor.

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MEYER ABRAHAM, Application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage and area than allowed, proposed Lots 1, 2, 3, Abraham Subdv. (NE corner of Fowler & Ellison Sts.), Falls Church District (R-10) V-357-66

Mr. Hurst represented the applicant.

June 21, 1966

MEYER ABRAHAM - Ctd.

Mr. Abraham wants to divide the property into three lots, Mr. Hurst explained. Most of his property is within the City of Falls Church and they will agree with whatever the County wishes to do on this property.

Mrs. Henderson felt that two lots would comply better.

Mr. Abraham would like to get three lots for two more houses. There is already a house on Lot 1. The houses the applicant desires to build are the type of houses with the entrance on the side.

Mr. Yeatman said he felt this would improve the area.

This is a big variance, Mrs. Henderson said. They are putting too much on the land. There are no topographic reasons for granting a variance.

The people in the area like the idea of new houses going in, Mr. Hurst went on to say, and it would be an improvement to the area.

No opposition.

Mr. Yeatman moved that the application of Meyer Abraham, as stated, be approved as shown on plat accompanying this application. Seconded, Mr. Barnes. Carried 3-1 (Mrs. Henderson voted against the motion and Mr. Smith was not present.)

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CENTRAL TV & APPLIANCE CENTER, IN EN LONE - Thirty trucks. The Board felt that this would be permitted by right as long as adequate parking for the trucks is provided.

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CAVALIER HEALTH CLUB, Alexandria: The Board agreed that this is a commercial establishment and would not be allowed.

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The meeting adjourned at 2:15 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

August 1, 1966 Date

June 28, 1966

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, June 28, 1966 in the Courtroom (#4) of Fairfax County Courthouse. NO RECORDINGS WERE MADE. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

COMMUNICATIONS WORKERS OF AMERICA, application under Section 30-7. 2.5.1.4 of the Ordinance, to permit operation of a meeting house and offices, on W. side of Woodburn Rd., approx. 200 ft. N. of Hayden Lane, Falls Church District (RE 0.5) S-360-66

Mr. Hansbarger represented the applicant. This matter has had a difficult road along which to travel before ever reaching this point, he stated. The Communications Workers of America Local, a local of the C & P Telephone Company, has 911 members. They wish to use this old house on this five acres of land for their office building and record room, primarily three days a week, sometimes five. A Secretary will be there from 9 a.m. to 2:30 p.m. When the Union contracted for the property there was a limitation on the amount of property in the State Code that a local or labor union could hold in the State, of 3 acres. Since then the legislature has seen fit to change this to 5 acres. They will dedicate prior to conveyance to the Union the parts which the State and County want for widening Woodburn Road. Along about the same time, the Board of Supervisors decided to change the section of the Zoning Ordinance under which this use might otherwise have been permitted under use permit - "eleemosynary site". It was at their request, and they did make the amendment referred to now, permitting as a use permit under Group V, this request. There will be bimonthly meetings held at this location, not to exceed 30 to 35 people. Otherwise, the only use that will be made of it will be what he stated in the beginning. He has talked with many of the people in the area and apparently they are not all of one mind. Mrs. Bronstein wanted certain assurances as to the use of this property which he could not make, but the Board of Appeals could. The Union would not rent the building to other groups - it would be used exclusively for the purposes as indicated. The trustees have indicated that if citizens associations or Boy Scouts, for example, want to use the property, it could be used for free. No alcoholic beverages would be consumed on the premises. Meetings would be limited to 30 or 35 people and full meetings would be held at some other place, not on the property. The terrain and topography would remain similar to what is there now. They are asking for a temporary permit to use the building and these premises subject to the conditions as outlined. There will come a time when they will want to construct a new building on the site but they would come back to the Board for this. If they were putting a new building there now or making alterations to the present building, they would need variances but now the setback would be non-conforming.

It is not 100 ft. from one property line and would need a variance, Mrs. Henderson said.

The use would be conforming if the Board grants it, Mr. Hansbarger replied. But, if the Board feels that way, he would amend the application to request a variance.

Mr. Smith agreed with Mrs. Henderson that the use would have to be 100 ft. off all property lines. The property conforms as residential but to issue a permit for a new use would automatically be setting up a new use that would be non-conforming.

Mr. Hansbarger stated that if they need a variance, it is within the Board's power to determine, and if so, he would amend the application to ask for a variance on a temporary basis until they are ready to construct a new building.

What you are asking for is a use permit for a permitted use in this particular zone, Mr. Smith said, but there are certain criteria set forth in the Ordinance to govern setbacks, etc. and reasons for this being spelled out. Apparently, they intended to have these uses separated from residential uses in the same area and he questioned whether the Board has authority to grant variances and set up what would be a non-conforming situation. The majority consensus of the Board was that a variance was necessary and the application should be amended.

In answer to a question from Mrs. Henderson, Mr. Hansbarger stated that the sheds and barns on the property would only be used for storage of a lawn mower to be used in connection with maintenance of the tract.

COMMUNICATIONS WORKERS OF AMERICA - Ctd.

Mrs. Henderson asked if the pond on the property was a swimming pond and what would be the extent of contemplated outside use by Boy Scouts, etc.

Mr. Hansbarger said that if Boy Scouts wanted to use the property it would be free to them for picnics, etc.

It was stated that one condition laid down by the citizens was that there would not be more than 35 people attending meetings here. What is the membership of this committee or people responsible for the direction of the organization, Mr. Smith asked?

Mr. George Vincent, Vice President of the Union, stated that because of promotions and because of changes in the growth of the industry, this varies, but very seldom do they have more than 30 people at their steward's meetings. Their meetings now are held in their office in Clarendon. They would attempt to hold the same type of meeting at this house if allowed to do so. These people discuss grievances taken place during the month, contracts, etc. and sometimes there might only be 15 people, sometimes 30. This is the only official meeting to be held in the house. Membership meetings are held at the Arlington Unitarian Church. They have no intention of ever holding membership meetings in the premises now existing. They hold executive board meetings involving five people. None of their officers are paid; every member is a full telephone company employee. They do pay clerical part time help to maintain the records and publish a once a month newsletter. In the future they would like to build a building in which to hold their membership meetings in. He felt that they were fortunate to get the land and the building would match with surrounding buildings. They have no intention of breaking up the land or speculating with the land. Their union is known as the Community Minded Union and they like to think they are a new concept in unionism. They bargain with the biggest industry in the country. They have had a building fund in existence for more than two years and each member pays 50¢ a month as required by their by-laws. This is a golden opportunity to further their goals and further their community-mindedness. Any use that the citizens in the area want to use the property for, as long as it is chaperoned and supervised by them, is all right with the Union.

There will be one girl on the property to keep records from 9:30 a.m. to 2:30 p.m., approximately three days a week. They serve the Northern Virginia area and all of their employees are employed in the State of Virginia. The number of stewards varies, usually their rolls are from 35 to 40; a few times they had a meeting of 50 but whenever they anticipate a meeting involving more than 35 people, they will rent a hall and hold the meeting somewhere else. Meetings usually are held from 7:30 p.m. to 9:30 or 10:00 p.m.

The Board wanted to know if there were any thoughts for a permanent building because if the use permit is granted and the land is purchased, it would be difficult to turn down a permanent building.

They are required to buy the land whether or not they get the permit, because they have signed the contract to this effect, Mr. Hansbarger said. They ultimately plan a larger building and one that complies with Zoning requirements. There are people in the audience today who are going to suggest that if you let them in now, they cannot be barred in the future. However, this whole area will change, and many of the people who might object to this use today, might in the future welcome this new building because the uses around it will be more intense than this use. The hospital has 20 acres which will be developed; Ritzenberg will also develop some property in the area; the School Board will develop 10 or 20 acres and the town houses of perhaps 15 ac. will be developed. When all this is done, this might be a most welcome use. The property is currently zoned RE 0.5 with RE 0.5 land behind it. Everyone seems to think that the panacea is to develop everything in single-family dwellings, but this would almost denude the land, taking off all the trees to develop the property.

Mr. Smith said he did not feel that the Board had authority to grant a temporary permit. Since this house does not meet standards set forth in the Ordinance for this type of use, being predominantly a residential area, he would like to see a program of what they intend to do before issuing a permit. He was not inclined to issue a permit for a use such as this in a frame building for any period of years.

They have to pay off the trust on the property, save for the building fund, hire an architect, Mr. Hansbarger said, and it would be at least five years before they can think about putting up a new building. They are only getting 50¢ a month from each of 911 members.

Mrs. Henderson suggested issuing a temporary use permit to give a couple of years to think about what they are doing, then it could be reviewed and if they are ready then, a permanent permit could be issued or denied.

This could go on for an indefinite period of time, Mr. Smith said, and it would be better to issue a permit for this use with limitations in the beginning.

COMMUNICATIONS WORKERS OF AMERICA - Ctd.

However, Mrs.Henderson felt that two or three years from now the area could be changed, and the Board should not issue a permanent permit today.

They wish to purchase the land because they know it is good and because they are going to be in business years from now, Mr. Vincent said, and he hoped at some future date they would be able financially to build a building that the neighborhood would be proud of. They have a letter of intent but will have to move one step at a time.

Officers change frequently, Mr. Smith stated, and this is another reason for pinning this down for long range planning. There is no immediate need for the use here so it seems the applicant could work up a preliminary plan showing in every respect the general location of all buildings, heights, etc. prior to a use permit being granted.

Mr. Jim Roten, President of Local 2323, spoke in favor of the application.

Mr. Smith expressed concern about future use, where perhaps many people would be working, and the use would be enlarged. If one says temporary for 2 years -- what will happen after this time? Are they coming back every 2 years asking for an extension?

As long as intensity of use does not exceed intensity of residential use, Mr. Hansbarger said it seemed to make no difference.

In answer to a question by Mr. Smith, Mr. Hansbarger said they had not yet obtained approval from the Health Department or Fire Marshall, but they would meet all requirements. There is no public water or sewer there at this time. It probably would come in when the school is built.

Mr. Fragel, a trustee appointed regarding prospective purchase, felt that some of the fear expressed at this meeting may be justified from the way some people feel about labor unions, but they feel they are a very good part of a growing community. Any outside activity that might occur on the property during the summer would be using the pond for fishing, or possibly having a picnic. This would be limited to one or two such activities per year. Most of their members are connected with other organizations and the union does not have too many social activities. They would be glad for other organizations to use the land. As to when the present house would be demolished, the house is not in a condition to fall down so it would not be demolished for the next couple of years. It would be kept at least in its present condition. No one would live on the premises. They have a potential of 1055 memberships and already have 86% of their potential now. The new building when built would be practically in the middle of the property, facing the road, not close to any property line. They have had certain plans drawn up by an architect, temporary plans to see what certain types of buildings would cost, but did not know exactly how many months or years it would be before their plans are formulated.

Opposition: Mr. E. G. Baldwin, Jr. and Mr. Bronstein presented a petition representing 104 people opposed to the application. (No reason was given for the opposition.) The signatures included some C.W.A. workers who were opposed to the application. He, Mr. Baldwin said, is an active dues paying member of the union and also lives in the area. He recently resigned as a Chief Steward. The use permit would be non-compatible to residential uses and would be a toe in the door for more intensive development. The members were given to understand that the land and property would be used for executive board meetings, etc.; that a union hall would be built in the future, including a pool room and bar. There was lengthy discussion of the proposed cost of the project and Mr. Baldwin felt the Union should seek commercially zoned property - their answer was that they could not afford commercial property. Also, Mr. Baldwin said, they are not required to purchase the property, it is contingent upon the Board's action. In April of this year, he contacted personally 70 stewards to arrange the stewards' buffet and they do not know how many people will be present for a meeting until they arrive. With the claim that membership meetings will be held elsewhere, this is true, because the house will not hold that many people. The stewards' meetings run from 7:30 or 8:00 p.m. to adjournment - not from 7:30 to 9:30, and so far as alcoholic beverages are concerned, beer is always available. He had also been told that the applicants planned to rent their ball room to make money for the operation.

Mr. Bronstein felt that granting the application would mean an opening wedge for other commercial organizations in the neighborhood. As to citizens using the land for their meetings, for years they have used churches and schools in the area. After sewer and water go in, they would have no objection to zoning for small lots but they do not want to see this use or apartments located here. The citizens are afraid that it will be necessary for the applicants to have other sources of income rather than just membership dues in order to carry on normal operations.

COMMUNICATIONS WORKERS OF AMERICA - Ctd.

Mrs. Henderson said the Board could stipulate that there would be no source of income obtained from this property and they would have to find some other way to get income. This is one reason a use permit can be more advantageous to adjoining property owners than a use by right.

Mrs. Baldwin said the petition represents 98.2% of the people in the area, opposed because this is an intrusion into a residential area.

Mrs. Bronstein corrected the statement that she had asked for the stipulations as stated by Mr. Hansbarger. Mr. Vincent gave them to her, and she thought these were all right, but she emphasized the fact that she did not ask for them.

The major objection seems to be that this would be an opening wedge for commercialism, Mr. Hansbarger said, but the area cannot be commercialized because it is either committed to development or under development. That goes for all the property surrounding this. The property would only be for Union use. Full membership meetings would be held some other place. There would be no alcoholic beverages allowed on the property, and it would be kept in the parklike setting it now enjoys. As far as intensity is concerned, with the conditions suggested and apparently the citizens are aware of these conditions, the intensity would be no greater than the use already being made of this property or surrounding property. Mr. Baldwin lives in the area and is a member of the Union, and if some violation occurred, he could report it. These people know that a permit can be revoked if they violate these conditions. The use is a use permitted in a residential zone. It has some commercial characteristics, but all they are talking about is keeping one girl there with file cabinets and holding several meetings on the property. If the time comes when they want a permanent building they will come back to the Board but the question of financing is one they will have to work out first.

Mr. Smith moved to defer to July 26, for decision only, that there be no more testimony; that there be a report from the Fire Marshal and the Health Department, and in order that the Board members might view the property. Seconded, Mr. Barnes. Carried unanimously.

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E. NEIL ROGERS & RUTH N. ROGERS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school and kindergarten for approx. 100 children, S. side of Rt. 123, across from Five Oaks Subdivision, Providence District (RE-1) S-368-66

A number of letters had been received from the citizens in opposition, asking that the application be deferred until they could be present.

Mr. Rogers objected to deferral saying it was the same property involved in their application of 1963 and if it were deferred, they would not be able to open this fall.

This is an entirely new application, requesting to double the use, and should be deferred to August 2 as the Board has granted deferrals to the applicants at their request and in all fairness should grant the same to the opposition, Mrs. Henderson moved to defer to August 2. Seconded, Mr. Barnes. Carried unanimously. Mr. Everest

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MCLEAN RACEWAYS, INC., application under Sec. 30-7.2.10.3.6 of the Ordinance, to permit operation of billiards, Langley Shopping Center, 1392 and 1398 Chain Bridge Rd., Dranesville District (C-D) S-370-66

Mr. Bikkert presented a petition signed by 85% of all business people within 600 ft. of the property, in favor of the application. Hours of operation would be from 12 noon to 10 p.m., six days a week and 2:00 p.m. to 10 p.m. on Sundays. The majority of people using this would be teen agers and young adults. At the moment there is nothing there except the Raceways which operate these same hours. These would be pocket billiards. There would be no alcoholic beverages or cigarettes sold; only Coke machines and candy would be sold. No gambling would be allowed. The room can accommodate 4 or 5 tables and they would be rented on an hourly basis. The windows are wide open, floor to ceiling windows, and the floors would be covered with wall to wall carpeting. This will be kept as a recreational area for adults and teen agers.

Mr. Seldon spoke in favor of the application and stated they have been very successful with this type of operation. In some cities of the State laws have been revised to reduce the age limits on this type of recreation.

No opposition.

June 28, 1966

MCLEAN RACEWAYS, INC. - Ctd.

Mr. Yeatman moved to approve the application of McLean Raceways, Inc., to permit operation of billiards, 1392 and 1398 Chain Bridge Road, Dranesville District, with hours of operation from 12 noon to 10 p.m. six days per week; and from 2:00 p.m. to 10:00 p.m. on Sundays. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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BEA LYN HOMES, INC., application under Section 30-6.6 of the Ordinance, Lots 273, 274 and 275, Block L, to permit erection of dwelling 15 ft. from side property line; Lots 307 and 308, Block L, to permit erection of dwelling 45 ft. from Craig Ave., Mt. Vernon Grove Subdv., Mt. Vernon District (RE 0.5) V-371-66

Mr. Richard Jacobs represented the applicant, however, in discussing the application with the Board, there was much confusion on some points, and Mr. Jacobs could not answer all the questions the Board members had.

Mr. Yeatman moved to defer to July 5 for Mr. Jacobs' father to be present to answer the Board's questions. Seconded, Mr. Everest. Carried unanimously.

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H. P. SEAMON, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 16.58 ft. from one side line and 16.59 ft. from the other side line, Lot 9, Woodland Park, Mt. Vernon District (RE 0.5) V-372-66

Mr. Victor Ghent, representing the applicant, stated that topographically it was not desirable to put too deep a house on these lots. The way the house is laid out it would be hard to take off 7 ft. in any place without tearing the house apart. This house would be an asset to the neighborhood - it is a one story rambler, no basement. The people on both sides of the lot are good friends of the purchaser and want them to buy here This is in an old subdivision.

Mrs. Henderson felt that if someone has a particular type of house in mind, they should find the proper sized lot for it, or have the property rezoned for smaller lots.

No opposition.

Mr. Yeatman moved to defer to July 5 to view the property. Mr. Smith added that the applicant should find out how many vacant building lots are there that might have similar situations, and without making a certified survey, find out how close the houses are to property lines. Seconded, Mr. Everest. Carried unanimously.

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HERMAN F. BOYER & CARL M. FREEMAN, JR., application under Sec. 30-7.3.10.3.4 of the Ordinance, to permit erection and operation of theatre, Americana-Fairfax Shopping Cntr., Falls Church District (C-D) S-373-66

Mr. John C. Webb stated that the applicants wished to put an enclosed theatre in the shopping center, to seat from 600 to 615 people. The entrance would be from the mall behind the drugstore. There is plenty of excess parking -- the shopping center requires 347 spaces and have provided over 500. Site plan has not been approved yet. The building will be designed to tie in with the rest of the shopping center and will be operated by a group now operating theatres in Maryland. There will be a matinee on week ends and two shows in the evening - there might come a time when they will have Saturday morning shows for children.

No opposition.

Mr. Everest moved to approve the application as applied for, for a theatre to seat 615 people. All other provisions of the Ordinance being met. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN P. & MARGARET B. FAIREY, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 11 ft. from side property line, Lot 4, Block 43, Sec. 16, N. Springfield (7504 Dunston St.), Mason District (R-12.5) V-375-66

MARGARET B. & JOHN P. FAIREY - Ctd.

Mr. Fairey proposed to erect a carport setting the posts 11 ft. from the house; the posts would be at the edge of the driveway. It would cost from $1400 to $1700 to construct the carport. The driveway would not line up with an 11 ft. carport.

If the Board grants a variance it would not permit the 3 ft. eave, Mrs. Henderson explained; that is only when posts meet the setback that you may have an overhang into the minimum side yard. It may have been mentioned that you were permitted a 3 ft. overhang if you meet side yard setbacks. If you put the posts at 11 ft. from the house, or 12 ft. from the property line, you are permitted a 3 ft. overhang into the side yard. So far the only argument presented for a 12 ft. carport was that the posts would not line up with the driveway and that is not a topographical situation.

Mr. Fairey said he had lived in the house for nine years and at the time of purchase he could have had a carport.

Mr. Smith expressed a desire to view the area to get some idea of the number of carports in the area. Mr. Fairey's request seemed a reasonable one. The Board could take the approach that this would be a variance as to post setbacks and not the entire structure, he suggested; the overhang would be cut 2 ft. instead of the 3 ft. overhang and allow the posts to be placed 11 ft. from the property line rather than 12 ft., and not allow him to extend the overhang. It would be the same total distance from the property line.

No opposition.

Mr. Smith moved to defer to July 26 to view, for decision only. Seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch.

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FRANK LYNCH, application under Sec. 30-6.6 of the Ordinance, to permit erection of building 25 ft. from side and rear property lines, southerly side of Old Dominion Drive, approx. 500 ft. east of Kirby Rd., Dranesville District (C-N) V-376-66

(Mr. Everest was not present.)

Mr. Lynch said people in the area had offered to appear favoring the application but rather than have repetition, he would submit their letters for the record. Originally, when he filed the first application, the Norman property was residential but since that time his property has been submitted for rezoning to commercial. Mrs. Bradley feels that since the Norman property is surrounded by commercial there will be no difficulty in his obtaining commercial zoning, and then Mr. Lynch would be allowed to come to 50 ft. from Mr. Norman's line. At the last hearing before this Board, Mr. Lynch said he presented an entirely new concept in gasoline stations, but it had met with difficulty with the oil companies. One company now wishes to put in a showplace, with landscaping. The only tree he has is 100 years old and he would like to save it. The property would be extensively landscaped and shrubbed. The design of the station would be Dutch Colonial. The parking lot of the Navy-Marine Foundation is directly in back of this property, a little higher than this property on a gradual grade, but there is no access between the two. Mr. Norman has indicated that it would be all right to come to his property line, but this would spoil the plan for the building. There are two bays planned in the front of the station for the tire operation. This will be a Sinclair station - two bays in front for the tire operation and two bays entered from the rear. This will be antique brick with true cedar shake, depending upon the fire marshal's recommendation, otherwise, they do make imitations which would give the same effect.

No opposition.

Mr. Smith moved to approve the application as applied for; the property known as the Norman property is in the process of obtaining commercial zoning and property in the rear was issued a use permit for multi-family dwelling units. This permit will be granted in place of the one issued February 8 for a different size building. There will be one pump island 55 ft. from Old Dominion Drive with two dual type pumps. Building will be 70+ x 30+ ft., of Dutch Colonial design. Granted for gasoline service station, tire operation, and front end work only, including other gasoline station uses. All other provisions of the Ordinance will be met. Seconded, Mr. Barnes. Carried unanimously.

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June 28, 1966

PICA, INC., application under Sec. 30-2.2.2 of the Schedule of Regulations, Col. 4 of the Ordinance, to permit erection of town houses, lot coverage 38% of the individual lots instead of 25% as required by the Ordinance, property on S. side of Rt. 50, approx. 1000 ft. W. of Rt. 645, Centreville District (R-T) V-378-66

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The only question in this case is the gross lot area percentage, Mr. Hazel said, and the Ordinance provides that this shall be 25%. The applicant has about 6 1/2 units per acre and the 38% includes 180 ft. parking.

Mr. Rust noted that the only thing submitted to his office was Section I which complies with the old Ordinance and has six units per acre.

(Mr. Everest arrived.)

Mr. Hazel said that 99 acres were zoned for R-T and there are 44.2 acres in this portion of the application.

This would comply with the Ordinance with the exception of lot coverage, Mr. Rust said.

No opposition.

In the application of Pica, Inc., to permit erection of town houses -- lot coverage 38% of the individual lots instead of 25% as required by the Ordinance, property on south side of Rt. 50 approx. 1000 ft. W. of Rt. 645, Centreville District, Mr. Smith moved that a variance be granted to the applicant in the 44 ac. complex to allow his lot coverage no greater than 38%. All other provisions of the Ordinance will be met. Seconded, Mr. Barnes. Carried unanimously.

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LUCK QUARRIES, application under Sec. 30-7.2.1.3.1 of the Ordinance, to permit operation of a rock quarry at NW corner of Lee Hwy. and Rt. #621, Centreville District (RE-1) S-271-66

Mr. Lytton Gibson represented the applicant and stated that Mr. Luck came to see him a year ago about the question of starting a quarry operation on the land involved in the application. They have been conducting quarry operations in the general area for many years far preceding any of the County zoning regulations. The land that Mr. Luck started out on never had a permit. This other land was part of a lease dating back many years and so with this land under the lease, not having a permit on this, Mr. Gibson said he told Mr. Luck that in his opinion, under the law, he could probably go into the area since it was part of the same lease, without any permit. However, he did not think that was the proper thing to do, that it would be better to submit an application to the Board. With that in mind, he would like to go on record as not waiving any right that they might have to go over there without a permit, however, to the converse. It was with reasonable restrictions, they are clearly bound by it and cannot question it. The original lease was signed about 1924 and assigned to Mr. Luck in the 30's -- the entire tract was included. He went in and removed some of the overburden to make dead certain that the rock was there. This is the only royalty he has spent on this particular property.

Since 1930 Mr. Luck has come in for an extension of this use on the other side of the highway, Mr. Smith said, and the Board laid down some conditions under which he should operate on the property at the time of the extension. At that time this other property, subject of the application, was not shown as part of the operation. It might have been under lease but was not shown at any time as part of the present operation. He said he would dispute the statement by Mr. Gibson that Mr. Luck had a right to use the land.

The total land involved in the application is 72 acres but buffers of 300 ft. cut the size down to about 40+ ac. for the actual permit, Mr. Gibson explained. The operation of the quarry would be limited to about 42 acres. Dr. Ingersoll was in a month ago in opposition, but in the meantime they have gotten together with Dr. Ingersoll, his attorney, and Andrew Clarke, owner of nearby property, and Dr. Ingersoll's attorney has sent a letter advising that any opposition he had is withdrawn and he would have no objections to granting with the conditions as proposed. (Letter on file in Zoning Office.)

Mr. Gibson read the proposed conditions which they would agree to having placed on the property. They will not put a buffer on the west side because Mr. Entwisle has no objection. There is an asphalt plant erected on that property at present. They will plant trees or other appropriate shrubbery wherever necessary and as recommended and approved by the Soil Scientist. They have signed a separate agreement

with Dr. Ingersoll that all of the 300 ft. buffer strip will be leased to him to put sample homes on if and when he wants to develop his property - these homes to be for display purposes only. Dr. Ingersoll has been in the process of assembling 2,000 to 3,000 acres of land from Sudley on up and is wanting to have a display area, getting into this area, so we agreed to do this. We have not agreed to sell, Mr. Gibson continued. The land would be leased to him for 8 to 10 years and then the houses would be removed after they had served display purposes. That agreement is not listed as part of the conditions to be placed upon the property because this is a private agreement. Mr. Luck has obtained permission from the Highway Department to put in an entrance for his trucks to come out on #29-211 and bring rock to the other side for processing and storage. The permit has been extended to December 1966 to put the entrance in. The reason for the extension was because of delay in getting the application heard, etc. This has to come over the highway but as soon as the hole is deep enough they plan to go under the road and the entrance onto the highway will be abandoned. They will put a tunnel under the road and bring the trucks through here, and not cross the highway at all. It is very difficult to estimate the time for this, best estimate is about three years because it would take that long to get the hole deep enough. They hope it will be three years but cannot say absolutely that it will not be longer. The State wants the rock and they are a customer of the quarry. The applicant does not mind being bound by the Board as a condition to do that but they are afraid of a deadline. The area across the road has been in quarry operations for years and there are one or two asphalt plants on that side. The crushers on the hill will be moved into the hole where the crushing activity will take place and the material will run up a belt to the storage area.

Mr. Gibson admitted that some people would have fear in their minds about homes near the quarry and said he would not want a home 400 or 500 ft. from a railroad, Route 29-211 or a rock quarry but these are things which are consistently being done where homes are built within 300 or 400 ft. He showed pictures of development very close to quarries in Roanoke, Alabama and Louisville; another at Staunton. The quarry in the application would be more consistent with what is there now. There is quite a bit of open space and the only home within 500 ft. of this is owned by Mr. Luck. 600 to 700 ft. away is the Moller home, then Mr. Aljan's Tourist Home. Down 29-211 about ten miles away some people made some boring tests trying to get a quarry there, but before the application came up, VPI wrote and said the rock was not any good. The grade does change and the grade here is deterioriating. The engineer has gone into this property and has found the grade good. The rock stockpile falls into many different classifications. He introduced Mrs. Muncey, an industrial planning expert, to give her findings on this application.

How many acres are involved in the permit across the road, Mr. Smith asked?

About 70 acres, Mr. Gibson replied.

There was a granting in 1959 for 42 acres with an extension in 1965 and the applicant has under use permit now approximately 70 acres of land for this particular use, of which several acres have not been touched, Mr. Smith pointed out, and he was trying to establish the fact that it is operating now and the present use permit has not been completely utilized. Now the Board is being asked to cross a major thoroughfare and approve another 72 acres. It was his feeling that before jumping the highway, the applicant should finish out the present area and restore it before spreading this out over 150 or 160 acres of land.

The grade of rock on that side is deteriorating and the supply is diminishing, Mr. Gibson stated. This is being continued to be worked but it is not near as economic an operation as it should be in order to keep everyone on a competitive basis. Rock on the other side is superior grade and they want to blast to get the rock out, and carry it to the other side to be processed and stored. It is conceivable that by the time Mr. Luck gets started real well, with the exception of processing and stockpiling, this operation will completely diminish. There are tremendous plans for Sanitary District 12. Frequently, it costs more to haul rock than you pay for rock when you have to go long distances to get it.

Anywhere a quarry is put, Mr. Gibson continued, someone is going to feel put upon. Many times people with half acre lots object to R-12.5 lots. Where better place could one locate an extension of a quarry operation, or if it is determined to be a new quarry operation, ~~it~~ is better than one that has been in operation for years and years. A stockpile is necessary because when people want rock, they don't want to wait for it.

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As far as Mr. Smith was concerned, he felt they were asking for an additional quarry; the blasting will be double of what is there now. They should completely mine out the area they are working in and should not have blasting in more than one operation at any one time. The blasting is the worst part of the operation and to double this impact would certainly have an adverse effect upon the people in the area.

Any quarry operation, like a railroad, airport of highway, had an adverse effect, Mr. Gibson admitted. Maybe Mr. Smith would say that the Dulles Airport should not have been built until National was saturated but they did build it.

Quarry operations are long lived, Mr. Gibson continued. A gravel pit can come in sometimes and post a bond to be out in 18 months, but in a stone quarry this cannot be done, so restoration can take strange turns.

Mrs. Muncey discussed the need for stone in the County, the relationship of the proposed use to the plans that are now current in the Planning Office, and what the planning effect is upon the environment. It has only been in recent years that city planners and public officials have recognized that this is a major element that can be controlled positively. In 1961 Fairfax County passed a Natural Resources Development Plan, at which time she was proud to be a consultant on this. The County now has what is recognized as the finest standards in the Zoning Ordinance on sand and gravel operations, and this is recognized nationally. At that time, however, they did not consider stone quarries. The nature of operation is different and the problem of restoration a different one. The population will be three-fourths million by 1985 and to accomplish this kind of growth, streets are needed. This material will be needed for many public facilities and private construction; the most critical need is for highways. Thousands and thousands of tons of crushed stone will be needed for the miles of new freeways and the new lanes to be added to existing highways. Every mile needs a crushed stone base and paving needs crushed stone as a major raw material. To get stone from outside the County would mean that there would be a greater distance it must travel, resulting in higher cost. Stone and other products from outside the County must use Fairfax County highways, whether they are going to be private or public construction, thus, the County would be bearing the traffic from the stone trucks and at the same time would be losing income. The stone deposit on this 72 acres is seated in area 3 in the Western County Development Plan, just outside Sanitary District 12. The proposal to use this land as a quarry is not in conflict with the Bull Run Land Use Plan. This plan is not adopted yet but County staff has recommended cluster type development to preserve large areas of open space and in many technical reports the Staff has stressed that this could not all be accomplished by purchase of park space through funds. The Staff has acknowledged that most of these extensive conservation areas in the whole of the western county cannot be done by rezoning but proposed several types of land use which could be permitted in the conservation areas to accomplish low density; single family residential, one family per five acres; limited residential, limited agricultural, forestry, life preserves and other conservation uses, and public parks. On page 1 of the same report they state a seventh type of conservation -- industrial operations of open nature employing less than ten persons per gross acre. The mining of stone on this site meets criteria listed by the Planning Staff and would be appropriate in conservation areas proposed for this location. Employment density is extremely low -- employing 3 to 4 acres per employee. The quarry does not require sewer. The land lies outside boundaries of Sanitary District 12 and is not considered as potentially sewerable. It can be operated in a compatible manner with standards we are proposing, Mrs. Muncey continued. There are several planning controls which can be applied to protect community interest -- the landscaped buffer and removal of 27 acres of land or close to 40% of the tract.

Mr. Smith was amazed that Mrs. Muncey, as a planner, would recommend 100 ft. off a major highway and 300 ft. off #621.

Final size of the quarry hole will be between 35 and 40 acres, Mrs. Muncey said, but could run to 43 acres. Existing trees would be preserved (and should be part of the permit) around the perimeter of the operation. These existing trees should be supplemented by selective cuttings and transplants. This should be done in the buffer area where recommended by the Soil Scientist. This would protect the highway appearance. The buffer area plus the trees would diminish noise from the quarry operation, absorb the dust and screen the operation from view of future homes as well as passersby on the highway. The access road from 29-211 could be permitted and required until such time as the tunnel is used. Part of the buffer area could be used to store overburden, planting it or treating it so there would be no erosion, and within open sections of the buffer paralleling #621. There may be some model homes built for display use only but certainly no signs should be allowed along the major highway other than identification of the firm, or directional signs.

Much has been made of the dedication of the 50 ft. strip in order to widen #621, Mrs. Muncey continued, and there would be no processing and no storage of stone on this site. The stone would be removed by truck, taken to the existing quarry where it would be crushed, further treated, stored and distributed by trucks. This would actually be a quarry and no other operation. As to vehicular access, she did not think any access was needed on #621, nor should any access go through residentially zoned land not owned by the company. Presumably the design requirements would meet all design requirements and safety approved by Public Works. The tunnel would be constructed as part of the preparation of the quarry. By the end of possibly a three year period the quarry may be deep enough to construct a tunnel - then all trucks would go through the tunnel, under 29-211. The operation should be restricted to weekdays, unless there are emergencies. The Ordinance requires a 6 ft. fence, minimum of 50 ft. from the edge of the excavation. As to blasting regulations, she proposed that the hour be between 12 noon and 1:00 p.m. on weekdays, but that tolerance be granted because of weather conditions or mechanical difficulties, from 11:00 a.m. to 2:00 p.m., limited to weekdays. No blasting would be done on any Sunday or Federal holiday. A warning system is already in service and Public Works might be asked to approve the system. All blasting operations should be supervised by an explosives expert. Also, seismograph recordings should be made at every blasting. The quarry does own a seismograph. Readings of such instruments must be made by qualified experts and findings should be reported in writing not less than once a month. The seismograph should be placed nearest occupied dwellings and the reports should be available to the Board of Appeals or whoever is designated to get these findings. Rather than establishing vibration limits, the recommendation was made to limit this to 10,000 pound blasts; this seems like a safe charge where no damage would occur.

This 35 or 40 ac. hole would have a potential reuse as a lake surrounded by 30 or 35 acres of upland. 12 to 15 acres of upland is and will continue to be forest land. Mine plans could be designed to accomplish this lake as an end use. A beach could surround the lake and the bank along the beach could be cleared of loose rock and left at a safe angle. The stockpile topsoil could be used at the bottom of the bank and top planted with trees and shrubbery. The most critical thing in getting this restoration is the fact that you will have at least 30 acres of upland, most of which will be undisturbed during the mining operation. This could be a recreational area with lake, beach, picnic groves, parking, etc. or could be a residential area with homes built on the upland overlooking the lake and beach. Either one would be in accord with land use plans proposed by the Planning Office.

Mr. Smith agreed that transportation costs were a vital factor, but not a prohibitive one. What will be the deepest point when completed, he asked?

This will have to be determined by an engineering study, Mrs. Muncey replied. She understood that the lower floor of the quarry is close to 70 ft., but without having test borings go all the way down, she could not say how far it would be.

Mr. Smith felt that the area now under use should be restored before talking about restoring the new area. It has taken some 30 or 40 years to get down to a depth of 70 ft. in a small area, he said.

Mrs. Muncey said this area would be used for processing the stone.

Mr. Smith did not think it was good land planning to expand an operation to a point of two impacts rather than one - to uncover a large area for a stone operation when it might take 20 years to complete the present operation. He felt the 300 ft. buffer was a good thing and he hoped they could stay this distance off #29-211 also. Starting such an operation across the road before the present operation has been rehabilitated might result in more than 150 ac. of land being left 70 ft. deep, he feared.

Mrs. Muncey suggested that perhaps the hole could be used as a sanitary land fill; this is being done in some sections of the country.

Mr. Smith felt this was an excellent use. The land should be covered up and made into a park area. The County does not need a 70 ft. lake; they are trying to get away from the water hazard.

In answer to Mr. Everest's question as to source of water to fill up a lake such as this, Mrs. Muncey replied that it would take an engineering study to determine this factor.

Mr. Gibson said a question was raised by Mr. Smith as to how deep the quarry would be, how deep the rock was, etc. In Mr. Luck's years of

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experience, one cannot find out to any degree of certainty as to how deep he will have to go without test borings being made. He has contacted the State on the matter and they could not tell him how deep it is. This will tie in with the operation on the other side of the road.

Mr. Stagg, quarry engineer, stated that in the old area, the overburden has reached a depth of about 40 ft. and this has become a problem to remove as well as dispose of. They hope to work this area out during the time they are establishing an economical operation on the other side of the road but the deeper they go, the more cost is involved. If they waited until the entire area had been worked out before starting across the road, they would be in trouble. The operation began in 1930 and the population explosion has precipitated the need for roads so in recent years the need for stone has increased over what it was during very early years. In the first years Mr. Luck operated on a shoestring. The quarry has installed a dust system of which they are proud. As to screening from the Collins property, they planted 600 trees a few months after their permit was granted and have tried to replace the ones that died. They were six foot cedar trees as recommended by the Soil Scientist.

Mr. Everest expressed concern about drainage problems.

The area drains through a culvert beneath the road, Mr. Stagg explained. This quarry has sunk pits collecting water and pumps pump it out as needed. There is adequate pumping capacity to take care of all the pumping. There are 40 horsepower pumps in the lower hole and 60 horsepower pumps in the other. Ultimately it goes to Bull Run, but having passed through three settling basins, it is clear and contains no silt.

They are not increasing the amount of rock being processed, Mr. Gibson explained, and he felt that Mr. Stagg had answered the question as to why it was necessary to move across the road. Mr. Luck is convinced of his right to move across the road but was willing to appear here and let the Board place restrictions and has employed Mrs. Muncey who was given free rein for making suggestions. Mr. Luck has operated quarries for many years. On the matter of restoration, there are many things quarries can be used for. He intends to use a good part of the present operation for processing. One idea which appealed to Mr. Gibson was that of a landfill. With regard to the buffer along 29-211, he recognized Mr. Smith's position in that and did not agree with it. #29-211 is a busy established highway where there is presently a quarrying operation going on. No homes were going to be built here, so 100 ft. buffer zone was ample. Mr. Gibson discussed the traffic situation.

The traffic will become heavy again, Mr. Smith said, and just because there are some unsightly things in the area is not reason to grant more of them.

Opposition: David J. Weltman, owner of 654 acres since 1953, said he had come to the Board years ago for a use permit for a cemetery and said at that time if there was opposition the application would be withdrawn. The Board gave him permission to withdraw his application. He has been planning for this property since January 1966 to develop approximately 1400 lots to sell to builders on an overall plan. He read from the Bull Run Planning District, recommended May 1963, and said he did not feel that the quarry operation was anything that would encourage developers to come in and develop land as close to the quarry as 500 to 1,000 ft. People in the area have been working to beautify the area. They have a beautiful panoramic view. London Towne has already been initiated, a very wonderful venture, moving along rapidly; another developer is commencing work along Braddock Road. Anything as objectionable in nature as this quarry might affect these plans. In no manner at all did the Bull Run Plan recommend the extension of a quarry and if he was the owner of the land in the application, he would try to provide a better use of the land, a Melpar use, for example. There is no need for the additional quarry. He also has a vested interest in 375 acres north of his property. He did not know why Dr. Ingersoll withdrew his objections because he had been the one to call Mr.Weltman to advise him of the last hearing. Mr. Weltman said he has applied to FHA and he was afraid they would frown upon a loan this close to a quarrying operation.

Mr. Smith agreed that this could well have an adverse effect on residential development planned for the area.

Mrs. Evans presented a petition opposing the application by the Free Gospel Tabernacle Church and a petition signed by people living on #621. They can hear the blasts from the present quarry, she said, and they feared that this would affect their water supply if another quarry were granted.

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There was some discussion of whether or not the property had been correctly posted for the hearing since some people apparently did not know of this hearing well in advance.

Mrs. Deliberti said a sign was put up on #29-211 but was taken down shortly thereafter. She never saw a sign on #621. They purchased a $60,000 home last fall and had they known about this impending quarry they would never have purchased it. They own 14 acres and a house. The plans for the beach and lake as outlined by Mrs. Muncey sound pretty -- she wished she could be around to enjoy them 35 years from now. She expressed a feeling of dismay at things going on on Route 621. The view is gorgeous. Dr. Ingersoll assured her that his plans would add to the beauty of the area. If the well goes dry, there is no city water available, and no one has told them that this won't happen. She invited the Board members to her home to experience the shock of a 10,000 lb. charge of dynamite; the blast which they experienced on May 27 made the dishes tremble on her walls. Certainly the prospect of blasting daily for 3 to 5 years made her ill. As a real estate agent, she said she knew of the difficulties in trying to sell a house this close to such an operation.

Mr. Aljan presented a petition signed by people living near his motel opposed to the application. He has lived there for 24 years and the quarry has ruined his home. The blasting makes a terrible smell and the motel windows have been broken many times by the blasting from the quarry. Many times he has had to return money to the tourists in the mornings because of the quarry operation and he urged the Board not to permit the quarry to further destroy his property. He said he did not complain about the quarry for 23 years but coming on the other side of the road would completely ruin his property and he would have to fight it.

Mrs. Collins said she deserved as much consideration as the people on the other side of the road, as the quarry is within 25 or 30 ft. of her property now. Can't the property be restored, she asked?

No restoration has been done because they started operating before the zoning laws were in effect, Mrs. Henderson explained. This is a non-conforming operation. There are restrictions on the part that was granted last year.

The blasts in the present location are between 6,000 and 10,000 pounds, Mr. Stagg stated. The biggest noise comes from the secondary shooting. They have been using a crane with a cast steel ball to break up large rocks and this eliminates the secondary blasting. They divide the shots up to as many as 20 separate periods so if there were 10,000 pounds going off, they would have 500 pounds each period, for example. They get sonic booms at their office quite frequently but they always write down the time in case someone says it came from blasting. In their new location, they will not blast every day. To start out they will put off small shots. It would not be a regular thing. Probably during the first few weeks they would blast every third day; beyond that, once a week or once every six to eight days. Crushers would operate from 7:00 a.m. to 5:00 p.m. five days a week, and if they operate on Saturdays it would only be in emergencies. The permit before the Board is not to crush stone, only to excavate it. Crushing will be done across the road and for all practical purposes, they do not crush on Saturdays.

The most noticeable about any crushing operation, Mr. Stagg continued, is the primary crusher. They propose to put this crusher down into the pit to decrease the amount of noise and improve quarry operations.

They have a seismograph set up in a cinderblock building, a practically crackfree building. They have placed it at various points in the quarry and so far have been well below the allowable limits. Vibration measurement engineers furnish the equipment and read and interpret the results of the blasts, and a permanent record is kept.

What is your experience with the changing of the water table from quarry operations, the fear that wells might go dry, Mrs. Henderson asked?

Mr. Stagg described some of his experiences in this matter, saying he had never seen a well near a quarry damaged.

Mrs. Henderson read the Planning Commission recommendation for approval of the application with buffer zones and with all precautions on blasting. The motion was made by Mr. Stull, the representative from that district.

Mr. Smith was amazed that Mr. Stull would make such a motion to grant this use permit. In all fairness to the people involved, the Commission should be asked to reconsider this based on the fact that people in the area were not aware of the hearing at that time.

Mr. Gibson objected to Mr. Smith's suggestion.

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Mr. Smith felt sure that Mr. Stull did not know of the opposition when he made the motion to approve the application and he was certain that the property was not posted on the side next to Route 621.

Mr. Gibson said information from experts indicates that wells do not dry up because of gravel pits. He again discussed their agreement with Dr. Ingersoll, whereby he would be protected, and where he could use the entrance off #621 for display purposes. The buffer is of no particular value to the quarry so they told him he could build model homes on the buffer strip but he would have to bear all real estate taxes for the land occupied by the houses, as well as taxes assessed against the house. The houses could not be sold or occupied but for display only and would have to be removed. They would have to carry adequate liability insurance on the land. This was agreed with Dr. Ingersoll prior to last month's attempt to have the hearing. This case should not go back to the Planning Commission as the matter has been heard fully today.

After hearing several suggestions here today as to restrictions in addition to those which he has already placed on the property, Mr. Gibson said he had not heard anything with which he could find fault except that until the quarry is sufficiently started they could limit the blasting to a longer period of time. He would not like to see limits on the number of blasts to make it impossible to get the hole started. The most expedient thing would be to let them have leeway to get the hole started.

Mr. Gibson discussed a case in Prince William County where the Board issued a permit to a quarry. The situation was similar to this. A swimming pool was located about 500 ft. from the quarry operation. The case was tried two or three different times and as a result of the overall trial damage suit, nuisance suit combined, Lewis vs. Graham Virginia, the court said that after witnessing blasts it could find no damage to this particular house or houses. No windows were cracked and there was no foundation damage. The court also, after witnessing blasts, said it could find no nuisance from the blasts. There may be some nuisance from crusher noise. The court meant actionable nuisance. This has been a very active quarry in the three months since that ruling was made and they have blasted twelve times. They were permitted to have a blast of 10,000 pounds, one blast per week that could accumulate as long as three weeks due to weather or other conditions, limiting the hours of operation to 7 a.m. to 6 p.m. Monday through Friday, no holidays.

Mr. Smith moved that this application be sent back to the Planning Commission to allow them an opportunity to reconsider the application based on information presented today. Seconded, Mr. Everest. Motion lost, 3-2.

In the application of Luck Quarries, application under Sec. 30-7.2.1.3.1 of the Ordinance, to permit operation of a rock quarry at the northwest corner of Lee Highway and Route 621, Centreville District, Mr. Yeatman made the following motion to approve the application, with the following restrictions:

1. Reservation of a 300 ft. buffer along State Rt. #621.

2. Reservation of a 300 ft. buffer along any common boundaries of the land which borders the Ingersoll land, formerly Marsh.

3. Dedication of a 50 ft. strip along State Rt. #621 for the widening and improving of the same, if and when requested by any party and accepted by the Commonwealth of Virginia or the County of Fairfax.

4. The buffer zones above mentioned to be in full force and effect for the first five years of any Special Use Permit that may be granted.

5. Trees or other appropriate shrubbery to be planted in buffer zones where necessary and where recommended and approved by the County Soil Scientist.

6. There will be no processing or storage of processed rock on the proposed site, the operation being limited to blasting and removal of the rock to the existing quarry site on the opposite side of Lee Highway for processing and storage, weekdays only, not on Saturdays, Sundays or holidays.

7. Blasting to be limited to the hour from 12:00 noon to 1:00 p.m. with tolerance granted to the hours of 11:00 a.m. and 2:00 p.m. in case of mechanical difficulty or weather difficulty making it impractical to blast between 12:00 noon and 1:00 p.m. Blasting shall be limited to week days and furthermore, no blasting shall take place on any State or Federal holidays. No blasting in both quarries at once. Limited to three times per week.

8. Blasting to be in series only and limited to maximum charges of 10,000 pounds of explosive.

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9. There will be no vehicular traffic or access to State Route #621 from the site; all vehicular traffic and access to and from the site being from Route 29-211.

10. Permit granted for a period of five years with review in two years, same people to be notified.

11. The large crushing equipment (primary crusher) to be put into pit of existing operation within six months.

12. Hours of operation: 7:00 a.m. to 5:30 p.m. five days a week. Maintenance only on Saturdays. This covers the operation on both sides of the road.

The motion was seconded by Mr. Barnes. Messrs. Barnes and Yeatman and Mrs. Henderson voted in favor of the motion. Messrs. Smith and Everest were opposed. Carried 3-2.

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COMER F. JONES, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 47.7 ft. from Chanel Rd. and 18 ft. from side property line, Lot 33, Sec. 3, Overlook Knolls, Falls Church District (RE 0.5) V-327-66

(Deferred to view the property and for decision only.)

In the application of Comer F. Jones, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage 47.7 ft. from Chanel Rd. and 18 ft. from side property line, Lot 33, Sec. 3, Overlook Knolls, Falls Church District, Mr. Everest moved to approve the application as applied for due to the unusual shape of the lot and the conditions and circumstances brought out in the testimony. The variance is on two corners. All other provisions of the Ordinance will be met. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voting against the motion as there is no justification for the 20 ft. carport, she felt.

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JULIE O. KERLIN, application under Section 30-6.6 of the Ordinance, to permit erection of a fence 6 ft. high on Cedar Drive and Douglas Drive (1114 Shipman Lane), Lot 19A, Resub. Lots 19, 20, 21 and 22, Sec. 1, Braewood, Dranesville District (RE-1) V-336-66

(Deferred from May 24 to view.)

Mr. Everest said he would like to see this deferred until a stop sign has been erected.

Mr. Smith moved to defer to August 2 for reconsideration. If more information cannot be obtained in this time, it should be deferred again. He would like to get all the facts on the road situation, curb and gutter, etc.

Mrs. Henderson personally felt that the fact that Mrs. Kerlin did not wish to look at the town houses was "any justification for the variance. It is not permitted by the Ordinance.

Mr. Everest seconded the motion to defer. Carried 4-1.

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W. R. LUCK, JR., application under Sec. 30-6.6 of the Ordinance, to permit carport to be built 9.9 ft. of side property line, Lot 474, Sec. 5, Keene Mill Manor (6210 Tyner St.), Falls Church District (R-12.5) V-339-66

(Deferred to view.)

Mr. Smith moved that the application of W. R. Luck, Jr., to permit carport to be built 9.9 ft. from property line, Lot 474, Section 5, Keene Mill Manor be denied as there is not sufficient reason under the variance section of the Ordinance to grant this. This is a new subdivision and would be a matter of special privilege as defined in the Code. Seconded, Mr. Barnes. Carried unanimously.

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GREENE & BENNETT, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed by the Ordinance and permit dwellings closer to side property lines, proposed Lots 1 and 2, Greene & Bennett property, Dranesville District (RE 0.5) V-374-66

Mr. Greene stated that he and his partner wish to build two houses on

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the property as subdivided. They bought the land from Mr. Berry and dedicated some of the frontage to the County. They cannot get any more land from Mr. Berry and Mr. Busby won't sell them any of his land.

Mrs. Henderson said there was not enough land for two houses and suggested building one house on the property. There is no topographic reason to grant the variance, there is just not enough land for two houses.

No opposition.

Mr. Yeatman moved to defer to August 2 to view the property. Seconded, Mr. Barnes. Carried unanimously.

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MONTESSORI SCHOOL OF NORTHERN VIRGINIA, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a non-profit private school, ages 3 to 9 years, approx. 140 children, five days a week; hours 9:30 a.m. to 2:30 p.m., NW corner West St. & Hollywood Rd., Providence District (R-12.5) S-341-66

Mr. Dixon said the applicants still want the permit. They now have an agreement from the owner that if they do get the use permit, the time of settlement will be extended to allow them to do more engineering work. The only other condition of the contract is that if the school decides that the economic costs of the property would preclude development, they are not required to settle.

Mr. Radigan and Mr. Schull again discussed the problems of drainage onto the National Memorial Cemetery property.

Mr. Everest reminded the Board that it was his contention at the last meeting when this was brought up that it had no bearing on this Board's decision. This is a matter to be handled by Streets and Drainage and the applicants will have to comply with site plan requirements.

This was her point in asking about the location of the school, Mrs. Henderson said. If the Board says the school must be located within the 200 ft. area, it might completely negate fixing the drainage. If the school was on higher ground, it might be that they would have to give up the idea of having houses on the lower ground.

Mr. Williams from the Citizens Association stated that putting the school on high ground would add to the drainage problems. They approved the location in the lower area because this would attack the drainage problem immediately - it presently is a breeding ground for mosquitoes and holds water all year.

Streets & Drainage will have to solve this problem, Mr. Smith stated again, the applicant has indicated a desire to locate in the lower portion of the property and the citizens more or less are satisfied with this arrangement. If there are any objections to that arrangement now, making it flexible to the extent that if the school cannot be placed in the location agreed upon, they could come back for a change.

Mr. Dixon was agreeable to that. They located the structure in the lower portion because of the feeling of the citizens and because of an engineering problem in sewering the property.

In the application of Montessori School of Northern Virginia, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a non-profit private school, approximately 140 children, 5 days a week, NW corner of West St. and Hollywodd Road, Providence District, Mr. Smith moved to grant the application for 140 children, five days a week; hours of operation 9:30 a.m. to 2:30 p.m. The building will be located as originally stipulated by the citizens association representatives, in the lower portion of the property, and screening will be provided as discussed at the original hearing. It is generally desired that the area be fenced all the way across the back of it and a buffer of trees left to provide screening. Any additional screening necessary to thicken the area should be planted. The heating-air conditioning unit on top of the building should be properly baffled to eliminate noise from it and the unit will not run during nights in summer months. All other provisions of the Ordinance to be met. Granted according to plat revised June 16, 1966. Seconded, Mr. Barnes. Carried 3-2; Mr. Yeatman and Mrs. Henderson voting against the motion because they felt that site plan approval required should be a part of the motion.

The meeting adjourned at 8:15 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

August 1, 1966 Date

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July 5, 1966

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 5, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

E. D. MEADOR, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 38.51 ft. from Crosby St., Lot 156, Harbor View, Mt. Vernon District (RE-2) V-377-66

When he bought the property, he did not know about the 50 ft. setback from the side street, Mr. Meador said. He plans to build a four bedroom New England Colonial style brick house with basement, facing Anita Drive.

Mrs. Henderson suggested facing the house on Crosby Street but Mr. Meador said this would destroy the beauty of the house. The street was put in only to meet a zoning requirement but it is nothing more than a path. None of the streets are paved yet and the subdivision is very much unimproved. There is only one house under construction on the entire block.

Mr. Rust said the subdivision was recorded in 1957 and there should have been a bond agreement for completion of the streets.

Mrs. Henderson felt that Mr. Meador could still have the same house by facing Crosby Street and would not need a variance.

Mr. Smith suggested cutting off the storage area at the end of the house to make it conform but Mr. Meador said although he did not need the storage space, it would detract from the house if it were removed. The property was put in two acre zoning in 1959 when there was no sewer or water available when actually it should be in RE 0.5 classification.

No opposition.

Mr. Smith was concerned about asking the applicant to turn his house to face Crosby Street until he could be assured that eventually the street would be constructed and paved. He said he could not justify granting a variance with the 6 ft. storage space.

By not granting a variance, Mr. Everest said the house would have to face Crosby Street and there is a strong possibility that it would be the only house facing Crosby Street. There are four corner lots facing Crosby and the others appear to have enough room to put this type of house.

Mr. Smith felt the situation was an unusual one - Crosby Street apparently for all practical purposes will never be developed as a through street, it is merely a connecting street which very well could be a connection for access to the home constructed there. Since he does meet the setback from Anita Drive, and if he took 6 ft. off the corner, he felt that for aesthetic purposes more than anything else, the Board should consider the variance here. The corner lot setbacks are for sight distance, safety, etc. and toturn the house around would break up the construction pattern and would not be a satisfactory arrangement in this two acre subdivision.

Mrs. Henderson suggested putting the storage area behind the utility room but Mr. Meador said he was not at all interested in storage because he will have a full basement for that purpose. If the Board could not grant a variance -- forget it.

Mrs. Henderson noted a letter from Mr. Atkins, adjoining property owner, in favor of the application.

Mr. Meador said he could possibly build the same type house with a hip roof and it would be 70 ft. long rather than 75 ft. long and would not have the 6 ft. projection.

Mr. Everest moved that the application of E. D. Meador, to permit erection of dwelling 38.51 ft. from Crosby St., Lot 156, Harbor View, Mt. Vernon District be granted to erect a house 38.51 ft. from Crosby St. in the rear of the house and 45.32 ft. from Crosby on the front, due to unusual circumstances surrounding the case. All other provisions of the Ordinance should be met. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voting against the motion as the house could be turned on the lot and would not need a variance.

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July 5, 1966

CHARLSON CORP., application under Section 30-6.6 of the Ordinance, to permit dwellings to remain closer to street property lines, Lot 4, 34.6 ft. from Aberdeen Court; Lot 5, 34.9 ft. from Aberdeen Ct.; Lot 9, 36.4 ft. from Stone Haven Drive; Lot 12, 35 ft. from Stone Haven Drive; Lot 94, 37.4 ft. from Regency Ct.; Lot 99, 35 ft. from Regency Ct., Section 1, Stone Haven, Falls Church District (R-12.5) V-379-66

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Mr. Tom Mays represented the applicant. The problem was caused probably by lack of communication, he stated. He outlined the lots involved in red. Three of the houses are on cul-de-sacs, which in a measure tends to diminish the error a little. Some of the building restriction lines hit the porch on an arc rather than a straight turn.

Mrs. Henderson pointed out that the houses are set back the proper distance, but in every instance it is the porch that causes the problem.

Mr. Mays said the houses average in price to $35,000 or slightly less. They have never had anything like this happen before. France & Ross did the work on the houses. A model home was laid out and the houses are all back of the 40 ft. building restriction line but somehow there was a lack of communication on the point of the porches. These are collonade porches, very much in the Mount Vernon style and it would be detrimental from the eye appeal standpoint to remove the porches. They were found by the engineer when he made the final survey and they immediately checked out Section II, found some errors and corrected them. The building plans did show porches.

Mr. Berry, the surveyor, said the porch was not shown on the original plat; there was a lack of communication between him and the builder and he did not know of the plans for the porches.

Mr. Everest suggested having Mr. Woodson require a final set of plans to be submitted to his office and they will have to check the plans for the porches. This will be one more control on the general contractors and it increases the cost and expense of construction - but it seems this is a necessity since this is becoming a very common problem.

Mr. Smith said perhaps Mr. Woodson had some ideas about how this could be corrected, perhaps he could give a memo to all the builders and each time they must show the porches back of the setback lines. An entire subdivision could be built under this set up and would have to come in for variances and this Board has no authority to grant this number of variances.

No opposition.

Mr. Everest moved that the application of Charlson Corporation as stated be approved as applied for, according to plat submitted. All other provisions of the Ordinance must be met. This is granted under the "mistake clause" of the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith expressed the hope that there were no other mistakes in this particular subdivision and no applications for similar circumstances would be made.

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BERTIE BROOKS, application under Section 30-6.6 of the Ordinance, to permit division of property without frontage on public road, on outlet road north of Ashburton Ave. off Rt. 608, Centreville District (RE-1) V-380-66

Mr. Rust stated that this application was heard by the Board of Supervisors and approved last week; it should be withdrawn from the agenda of the Board of Zoning Appeals.

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DEFERRED CASES:

MANOR DEVELOPMENT LTD., application under Sec. 30-6.6 of the Ordinance, to permit dwellings to remain closer to street property lines than allowed, Lots 9, 10, 11, 12, 13, 16, 17 and 18, Sec. 1, Hawthorne Manor, Lee District (R-12.5) V-344-66

(Deferred to view the property)

To make the applicant remove the porches would ruin the whole subdivision, Mr. Everest felt, and the application qualifies under the mistake section of the Ordinance. He therefore moved that the application be approved as applied for, all other provisions of the Ordinance being met.

MANOR DEVELOPMENT LTD. - Ctd.

Mr. Yeatman seconded the motion, and said it should be understood that there will be no other variances granted in this section as platted. Carried unanimously.

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WILCAP CORP.,application under Sec. 30-6.6 of the Ordinance, to permit erection of buildings closer to property lines than allowed, and to permit end lots with less frontage, lot coverage in excess of 25%, and lot area less than 2400 sq. ft., Carper tract, Old Dominion Drive opposite Byrnes Place, Dranesville District (R-T) V-340-66

(Deferred for certified plat.)

Mr. Prichard, representing the applicant, presented certified plats by Ross & France showing general layout of streets, size of houses and lots, and a summary of variances to be required to permit development on the tract. The ground is very steep and some places are not feasible for building. They had a survey made and certain places must be avoided. The houses would face Old Dominion Drive and would be served by driveways in the rear. The people in Salona Village were opposed to having Julian Street connect with Salona Village and Mrs. Bradley stated that she would cooperate as long as they did not connect Julian Street. This will avoid the through traffic that would cut around the center of McLean if the street were connected.

The property has been shown on the McLean Plan for town houses and has been zoned for town houses. Mr. Van LarHooven came up with a development plan that required so many variances he gave up the project. If this were zoned RPC this would meet those requirements. Because of the terrain problems, the steepness and rock problems, they cannot meet proper setbacks and lot coverage. The Board of Supervisors granted them some variances regarding the service road. These will be sale town houses, approximately $35,000 to $40,000 in price range. There will be 64 town houses.

Eugene Worman of 6515 Brawner Street was concerned about the row of oak trees on the property line. He said he had no objections to town houses but wished to be assured that there would not be root damage to the trees which might cause them to fall onto his property during a severe storm.

Mr. Smith felt that the Board could not say whether or not the trees would be damaged.

Mrs. Henderson noted the Tripps Run sewer line which was put in 10 to 12 years ago came within inches of some very nice trees and did not damage them. She felt that 30 ft. away from these trees would be all right.

No opposition.

Mr. Smith moved that the application of Wilcap Corporation be approved as applied for in conformity with plat dated July 1, 1966 by Ross & France. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JAMES E. HOOPER, application under Sec. 30-6.6 of the Ordinance, to permit erection of three stores on right side property line, Lots 11 and 12, Gordons Addition, W. Falls Church, Providence District (C-G) V-356=66

(Deferred for proper notification.)

Mr. Dwight Whiting represented the applicant.

Mr. Rust located the property and stated that the problem is caused by the R-10 zoning adjoining the property which is included in the adopted plan for commercial.

Mr. Whiting said the rear of the lots on Leesburg Pike are served by a 14 ft. easement as shown on the plat. Originally they had a building on that side but they are committed to the entrance from Shreve Road into Hot Shoppes, Jr. This would have resulted in poor traffic conditions. Since there is already a road in back of these lots on Leesburg Pike, they feel this is the best place to put the traffic. There is a row of parking backed up to the I-L property, then a travel way and then the building. The portion of the building on Lot 12 will be on the property line of Lot 13 owned by Mr. Wheaton who has submitted a letter of approval.

Why is Lot 13 included on the plat as part of the application, Mrs. Henderson asked?

July 5, 1966

JAMES E. HOOPER - Ctd.

That is not part of the application and should not have been included, Mr. Whiting said -- that is owned by Mr. Wheaton.

Mr. Rust discussed a request by the Highway Department that a common entrance be provided between the Hot Shoppes, Jr. and this proposed use, to alleviate the number of entrances onto Shreve Road. The Hot Shoppes agreed to one entrance, however, Mr. Wheaton was unaware of this. It works no hardship. The residential property is in the Master Plan for commercial use.

Mr. Hooper said they plan to erect a 7-Eleven Store and other stores on the property.

The plats are not clear, Mr. Smith said, and the Board should have clearer plats.

Mr. Hooper said he would request that there be included in their application a variance on Lot 12 also. They will maintain a 22 ft. side line on Lot 11,however, they will set the building on the property line next to Lot 13.

Opposition: Mr. Carl Coan of the Falls Hill Citizens Association said a mistake had been made regarding this application. The recent Plan adopted by the Board of Supervisors showed the commercial zoning stopping at Lots 11 and 12 and for town houses on everything from the present commercial zoning on back along the tip of Shreve Road and granting this variance to build up to the line would be contrary to the Plan. He read the Board of Supervisors' motion in adopting the plan and urged the Board to deny the variance requested.

Mr. Smith felt the application should be deferred in order to straighten out some of the confusion on certain points.

Mr. Samuel Saulsburg, part owner of Lot 9, asked how the variance would affect his property.

There would be no effect at all, Mrs. Henderson assured him; they are staying 20 ft. away from his line.

Mr. Yeatman moved to defer to July 26 for more detailed plats and for the Board to determine where the C-G zone stops in the Jefferson Master Plan. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS HERBERT, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to Holt St. than allowed, Lot 230, Section 2, Stonewall Manor (8312 Neil St.) Providence District (R-12.5) V-315-66

(Deferred to view.)

Mrs. Henderson pointed out an alternate location in the rear. This is a new subdivision almost wholly without carports and the Board turned down one such request in January in this subdivision.

Mr. Smith moved that the application of Thomas Herbert, as stated, be denied. There is an alternate location on the lot for construction of a carport. This is a new subdivision, lacking carports. There is no hardship and no topographic reason for granting the variance. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion.

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BEA LYN HOMES, INC. (Deferred from June 28 for more adequate information and also for Mr. Jacobs, Sr. to be present.)

Due to his father's illness, Mr. Jacobs said he could not be present. He showed plans for two houses which they construct and said they could not cut down on the size of them. They sell for approximately $47,500.

Mrs. Henderson suggested a 30 ft. rambler on the property. This would cut down the room size too much, Mr. Jacobs said. It would be impossible to cut down the size of the house and get one that would enhance the development as it is today; this is a high priced district.

The Board members made many suggestions, all of which were rejected by Mr. Jacobs.

Mr. Yeatman moved to defer the application again -- to July 26, to view the entire subdivision to see if variances will be needed on other lots. Seconded, Mr. Everest. Carried unanimously.

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July 5, 1966

H. P. SEAMON (Deferred from June 28 for additional information.)

Mr. Victor Ghent and Mr. Roy Swayze were present, and Mr. Robinson, the builder, was also present.

Mr. Swayze reviewed the facts presented by Mr. Ghent at the last hearing, and said they had presented ten signatures in favor of the application; none opposed. This is an old subdivision, there are many older homes located there. Mr. Robinson intends to erect one house on lot 9 and would require a 3 1/2 ft. variance on each side. It would be a desirable addition to the community. The house cannot be chopped off on the end as there is no other suitable place for the garage. It is built so that it balances the end of the house and if it cannot be built this way, Mr. Robinson is not interested in building the house.

Mr. Ghent said the subdivision was recorded in 1935. He has made an investigation of the subdivision and found that lots range from 5 1/2 acres to 12,000 sq. ft. There are 66 lots, approximately 34 owners, and approximately 36 houses. Most of the homes were built before 1946. In looking through the permits and investigation of the ground, found 15 ft. of the houses have less side yards and only ten were done under building permits. The records are very sketchy.

Some may be violations, some non-conforming, Mr. Smith said.

What is the hardship as defined by the Ordinance, Mrs. Henderson asked? The lot is not big enough for the house, there is no topographical situation, and this is not a peculiarly shaped lot - it meets the requirements of the Ordinance on frontage and acreage.

Mr. Swayze said Mrs. Henderson was only looking at the hard and fast wording of the Ordinance and not taking into account what surrounds it. Here in this subdivision half of the houses are built closer than the required side yard. There are not many lots left; there are 66 lots and about 36 homes. Some owners own 2 or 3 lots.

Mr. Ghent said his understanding was that there were two lots left, both of which were 100 ft. wide. The subdivision is approaching its limitation.

Considering that there are only two other lots to be developed, Mr. Smith felt this was a reasonable request, taking into consideration existing development on adjacent R-12.5 land.

Mrs. Henderson said it did not meet the hardship clause of the Ordinance and was definitely a special privilege or convenience sought by the applicant.

Mr. Barnes moved to grant the application of H. P. Seamon as it is in accordance with what is already there. This has been a subdivision of record since 1937 and the request is a reasonable one. The neighboring property owners favor the application. Seconded, Mr. Yeatman. Mr. Smith added that the application is granted due to unusual circumstances surrounding the application, as mentioned previously. Carried 4-1, Mrs. Henderson opposed.

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Mr. Smith brought up the subject of Lake Fairfax, now owned by the Fairfax County Park Authority. This is now a commercial recreational ground and anyone can use it - they should comply with the use permit or submit a new application, he felt.

The Water Authority and Sanitation Division come to the Board of Zoning Appeals, Mrs. Henderson said, for their permits; the Airport Authority is taken care of by the Board of Supervisors. Why shouldn't the Park Authority also?

Mr. Smith introduced the following Resolution: That with all due respect to Mr. Woodson's office, that the Board of Zoning Appeals instruct the Zoning Administrator to make the Park Authority aware of the fact that they are operating Lake Fairfax without proper use permit for this type of commercial recreational establishment and that they be given 10 days to make application for use permit or show cause why they should not cease operation under present conditions. Seconded, Mr. Everest. Carried unanimously.

Also, Mr. Smith added, if they plan to establish a recreational use at Bull Run, they should come before this Board.

The meeting adjourned at 1:45 P.M.
By Betty Haines

Mrs. L. J. Henderson, Jr.,
Chairman

August 1, 1966 Date

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The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, July 26, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

FRANCONIA VOLUNTEER FIRE DEPARTMENT, application under Section 30-7.2.6.1.2 of the Ordinance, to permit the construction and operation of a fire station, portion of lots 20 and 21, Section 2, Franconia Hills (Beulah Street), Lee District (RE-1) S-380-66

Mr. James A. Thomson represented the applicant, an incorporated charitable corporation composed of seven paid members and ninty-five volunteers, applying for a permit to build a fire station on the subject property. They contemplate enlarging the building and instead of 75 ft. in depth it will be 100 or 125 ft., Mr. Thomson stated. The plats will show this when they are submitted for site plan approval. It has not been finally determined at this time; they are still completing studies for the layout. The station has been located on Franconia Road since 1934. The present building sets back about 50 ft. from Franconia Road, but with the widening of the road it will eliminate any ramps to the station. Beulah Road also is proposed for widening. They would set the building back 95 ft. so there would be adequate area to take care of equipment entering and exiting from the firehouse. The present site has about 100 ft. of frontage and there is no room for expansion on the site because the building is 75 or 80 ft. wide. The additional equipment which the Company will have to acquire, primarily a hook and ladder truck, will necessitate the additional space and there is no room on the present site for adding these facilities. On the proposed site there is adequate room for parking and for providing necessary facilities. They will have to add a squad truck to the five engines and two ambulances currently owned by the Association. They use their own funds in acquiring the ground and only receive help from the County for purpose of salaries for the seven paid members and reimbursement for the equipment when approved. This matter has been presented to the Board of Fire Commissioners and it was unanimously recommended that this location be approved subject to final site plan approval and details of building construction. The Volunteer Fireman's Association of Fairfax and the Franconia Volunteer Fire Department also unanimously approved this.

The matter was presented to the Planning Commission last night, Mr. Thomson continued, and they approved the location. There was an adverse report from the Staff but he did not believe the Board of Fire Commissioners would have approved anything that would have been a traffic hazard, and he believed this was the basis for the Staff recommendation for denial. They will have traffic controls which are geared to the alarm system so that traffic lights will stop all moving traffic until the emergency equipment has left the station. This has not yet been approved by the Highway Department. The Fire Company will pay for the traffic controls.

Mr. Thomson said he had been advised that Beulah Road was planned for widening to four lanes but he did not know the date. As to being located closely to a school, there is the same situation in Dunn Loring where they are building a new school in the rear of the fire department. New methods of traffic control adequately protect the schools. Beulah Road is presently a two lane road, but he did not think the safety of the residents of the County who rely on this fire department should be penalized because of the road situation. When Franconia Road is widened, the taking line is almost to the front of the station and their equipment would be coming out directly into traffic. This would be a greater hazard.

Has the present fire facility been recently expanded, Mr. Smith asked?

The matter was before the Board, Mr. Thomson replied, and they were granted a use permit for expansion but after further analyzing the matter they found that the costs of developing on the old site were so much, they abandoned this plan entirely and decided to build a new building.

This is taking the entrance to the fire station off a major highway where it can service the community in both directions, Mr. Smith said, and putting it on a narrow street which comes into the thoroughfare, and he wondered if the traffic could be controlled far enough from the intersection so that a ladder truck could make a turn. It seemed to him that the location on Franconia Road was better because the traffic could be stopped for 100 ft. on each side and have adequate turning room for the equipment.

July 26, 1966

FRANCONIA VOLUNTEER FIRE DEPARTMENT - Ctd.

Mr. William Schurtz of the Fire Department said the lights could be erected at any point on Franconia Road or set 100 ft. east or west of the present firehouse. The pegs for widening of Franconia Road have been there for about four years and he did not know when the widening would take place. The land in front of the building is just wide enough to park a 30 ft. long engine and the bumper will be just where the taking line for widening the road will be. At no point is their frontage any wider than 100 ft. As to the point that Mr. Smith mentioned -- why didn't they purchase the adjoining property for expansion -- at the time this started to come about they did not have money to buy it. Now they have bought the 3 1/2 acres in question for less than $40,000 which is less than the adjoining property would have cost them. They could not possibly build a station wide enough to house the trucks which they now have and the future equipment which they must purchase because the property is not wide enough.

Mr. Yeatman said he would like to know about future plans for widening of Beulah Road and when it would take place.

Mr. Schurtz compared this station to the Penn Daw station as being a similar situation.

Mr. Smith expressed concern over oncoming traffic in both directions and entering a secondary road on a curve. The visibility is bad.

It is not on a curve, Mr. Schurtz said - it is about 400ft. beyond the curve.

Mr. Smith felt the Fire Department should present some statistics to show exactly how much land is being taken by the Highway Department. The stakes are in but highways are not always aligned with stakes. At the time of the earlier hearing by the Fire Department it was stated that there would be no taking on this side of the road.

Eighty parking spaces will be provided on the new site if it is granted and there will be a meeting hall, a lounge hall, a bunk room to house the night men, and kitchen facilities. This will be approximately a 100'x125' building with plenty of room to extend parking if necessary. It will be a two story building with meeting hall, lounge room and sleeping quarters on the upstairs floor. The first floor will be for the call room and apparatus only. For their community activities they will plan some dinners and sometimes dances, Mr. Schurtz said. The overall height of the building will be 30 ft.

No opposition.

Mrs. Henderson read the Staff recommendation for denial as there appeared to be room on the existing site for expansion and because of hazardous traffic conditions and safety factors. The Planning Commission vote was 7 to 3 for approval of the application.

A letter was read from Mr. Woods, Chairman of the Fire Commission, in favor of the application.

Mr. Smith said the minutes of September 10, 1963 in connection with the proposed new fire station did not agree with everything that had been said today. The plans of that date indicated that they were going to set back several hundred feet or possibly 150 ft. off Franconia Road to the rear of the existing station. The existing station would have been incorporated into the new construction. He said he would hesitate to approve a major fire protection facility being movdd off a major highway onto a secondary road because of safety factors involved. In the case of the Penn Daw fire station which Mr. Schurtz referred to, this Board incurred much criticism for placing it in this location but they had gone into great detail and had found that this was the only possible location in the area and they had to move. The highway had taken their property, had started the widening, and this is not true in the case before the Board today. They are not sure when the widening will take place, if ever, to the extent that it would in any way hamper the operation of this facility. There is no immediate need for haste in making a decision for any location, he said.

Why didn't the Fire Department go ahead with their relocation plans of 1963, Mrs. Henderson asked?

Because the building plans showed that they could not afford this, Mr. Schurtz replied. They have talked with five architects and they are assured that they can build a larger building for $150,000 - $175,000.

Mr. Yeatman said he was convinced that the property in the application was a good location and should be approved. The area must have fire protection which is adequate.

Mr. Smith agreed with the statement about fire protection but he said there had not been a statement made that the area did not have adequate fire protection.

FRANCONIA VOLUNTEER FIRE DEPARTMENT _ Ctd.

The present arrangement seems better from the safety standpoint, Mr. Smith continued, and unless it was an absolute need, he could not justify placing the facility where they would have an opening into a street the width of Beulah Road at the present time. If someone could give a date as to when Beulah Road would be widened, he might feel differently about it.

Mr. Rust said he did not know the date for the widening but there are plans for a 110 ft. right of way.

Mr. Everest said he was not convinced that this was the best location for the fire house, it seemed this was a piece of property they picked up as a compromise. Franconia Road is not completely developed and if there is going to be a fire house at Springfield, the heart of the area that this fire department would serve does not seem to be at this location. He did not want to be pushed into a compromising situation and would like to see the application deferred.

Mr. Yeatman moved to defer the application to September for the applicants to get information from the Highway Department on the date for widening Beulah Road. He amended the motion to defer to October to allow more time.

Mr. Everest seconded the motion and said he would like to see some consideration given to locating the fire department on Franconia Road. The present site is probably not adequate for expansion but there are other sites which are large enough in area and are not so expensive. If they cannot find another site on Franconia Road, the Board should have a statement from the applicant as to why there is not another location. Carried unanimously.

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EDWARD PETROS, application under Section 30-3.2.1.1 of the Ordinance, to permit an industrial road through residential property, located at southerly end of Heming Avenue, Boulder Street and Dreyfuss Street, Mason District (I-G), V-381-66

Mr. Philip Brophy represented the applicant. He said that no written notices had been sent out but the property was posted and everyone in the neighborhood was aware of the hearing.

Mr. Lewis Griffith of North Springfield Citizens Association, and another property owner who said he was immediately affected by the application, said they had had adequate notice of the hearing and had no objections to hearing it today.

Mr. Smith felt that the Board's policy to not proceed with cases unless notification procedures have been adhered to should be followed in this application. However, Mrs. Henderson felt that in a situation where all the property owners were aware of the hearing, they should not be asked to come in again.

Mr. Schonberger, representing citizens on Longpine Drive, said everyone had knowledge of the hearing and wanted to go ahead with the proceedings.

Mr. Yeatman moved to hear the case since the property had been posted. Seconded, Mr. Barnes. Carried 3-2, Messrs. Smith and Everest voting against the motion.

The property has been zoned I-G for at least 15 or 16 years, Mr. Brophy said. It is approximately 3,000 ft. in length and 300 ft. in width. The problem is that they are landlocked - not for all purposes, only for the industrial use. To the west is the Park Authority land. There is a way out through this land for residential use only, according to the deed. This was a deed which was entered into prior to Mr. Petros purchasing the property, in which the Park Authority agreed to furnish an exit out in event that it was requested and in the event residential uses were developed there. They have inquired of the Park Authority as to whether or not they would give them access out to Heming Avenue, as an industrial driveway, but in view of the deed they take the position that they do not have to do this; they are not voluntarily going to do it. A statement read by Mr. Bell last night indicated that they have been told by their attorney that they do not have to do it.

To the east is another landlocked piece of property; this became landlocked as a result of construction of the Beltway, Mr. Brophy continued. When this occurred there was a condemnation proceeding against that property and they were compensated accordingly. To the south is the Southern Railway. There was a railroad crossing there up until 1955 which was in general use, however, the applicant has been enjoined on a temporary basis by the Southern Railway from using this crossing. An injunction

suit came about when Mr. Petros tried to reconstruct the crossing.

Was the railroad crossing there in 1951 when Mr. Petros bought the property, Mr. Smith asked?

It is their position that it was there at that time, Mr. Brophy replied. This access was a road from Braddock Road across the tract, but whether or not this road is or ever was a public road is the point in litigation. The attorney for Southern Railway has assured the applicant that they will have no crossing. If they win the case, the Railway will condemn the property. The crossing is close to a curve.

There are three ways out to the north, one being slightly to the left, Mr. Brophy pointed out on the map. The other two possible ways are across existing subdivision lots which are built upon. One is Lot 47, which is owned by Mr. Petros. The other across Lots 51 and 52. Originally this was shown on the map for the purpose of right of way from Braddock Road. Mr. Petros is the contract owner of Lot 52. It is difficult to locate the old right of way exactly in width. Basically, the application before the Board shows it between Lots 51 and 52, based on the topo showing the rise. Another map shows the old roadway on Lot 52 with very little on Lot 51, and another shows it between the two lots. Even if it were officially an easement, then there would be the problem of whether or not Mr. Petros has the right to use it without approval of this Board.

Mr. Smith asked what evidence the applicant has that this was an access to the particular piece of property?

Letters from the owner of Lot 52 and from Henry S. Clay, Jr., state there is no evidence, Mrs. Henderson pointed out,and also the same from Davis & Ruffner, Gibson & Hix, and Phillips & Geerhardt.

There was reserved by the Lee family such an access road, but in the discussions as to the validity of this, they came up with one statement that it was never dedicated as a public road, Mr. Brophy stated. It was used as a public road, it was improved, and it existed and had existed for a long time. The road between Lots 51 and 52 shows on maps going way back. A 1937 aerial photograph shows the road. It also showed on several other maps and photographs which Mr. Brophy presented to the Board. Mr. Petros owns Lot 47 and has become contract owner of Lot 52 during the past week, Mr. Brophy said.

From the Park Authority deed, Mrs. Henderson said, it seemed that it was the intent to develop this property as residential, or else someone did not know that this was zoned industrial.

Mr. Brophy read from the deeds conveying the property to C & J, Inc. by John C. Webb, Trustee, dated June 12, 1954, and from the deed from C & J to the Park Authority.

The two deeds seem to conflict with each other, Mrs. Henderson noted. She felt that the courts would have to decide most of the questions in this case, and said she would never vote for tearing down a subdivision house for industrial access when they could have their land rezoned and developed for residential use - then there would be no access problems.

Mr. Smith asked what type of industrial uses are planned for the property.

Mr. Brophy replied that they would enter into whatever agreement is necessary or required by the Park Authority, limiting the uses to those contained in the I-L or I-P categories. They are not requesting that the property be rezoned to that category, however, because of setback requirements, etc. They must be careful not to get into the position of not being able to use the property at all. They want light industrial uses and will limit it to those uses.

Opposition: Mr. Malam Frankhauser, resident of North Springfield and Vice-President elect of North Springfield Citizens Association, requested that the Board deny the application. They appreciate Mr. Petros' desire to make as much profit as possible over cost, but as residents and citizens of an association representing over 1,000 members, they think the considerable interests of the citizens in the area should be paramount, particularly those living along Heming Avenue and Longpine Drive. The current application requests permission to construct a road along three alternate routes, he continued, but Mr. Petros only has title to one piece of property. The Association is opposed to granting any application which would bring industrial traffic through this wholly residential area. Heming Drive and Longpine Drive are not suitable to bear the load of industrial traffic. To permit an industrial roadway across Lots 47, 51 or 52 would create a noxious and offensive activity and would be a nuisance to the neighborhood, violating the covenants of the deeds on these three lots. Permitting industrial traffic through Park Authority property

would be detrimental to the use of park property by all residents of Fairfax County and detrimental to the enjoyment of all activities there. The Association now and always has favored residential development of the property. Another thing that troubled him, Mr. Frankhauser went on to say, was the fact that last evening Mr. Brophy admitted that when Mr. Petros purchased the property, he knew of the access problems that were involved.

Mr. Louis Griffin said the members of the North Springfield Civic Association and residents of the area are concerned with the impact of industrial use of this particular piece of property. Mr. Brophy has presented a number of speculations as to why Heming Avenue was developed in this way, he said, but in looking at it, one can see what the developer had in mind when he put the subdivision together. He developed the residential community within 300 ft. of the Southern Railway, and in addition, in conveying the property to the Park Authority, he required them to have restrictive covenants stating that this 18 acre tract would have access only if it were used for residential purposes. There is no legal access through Park Authority land other than for residential access. The citizens of the County, the residents of this area, have a vested interest in seeing that this property is used for recreational needs, for their benefit and pleasure. The proposed use would not serve these needs. As to the proposed access over Lots 51 and 52, Mr. Griffin said his law firm has a certificate of title out on Lot 52, and in both certificates of title there were no exceptions made as to right of way easements, roadways, etc. They are prepared, as are Jesse, Phillips & Kendrick, to stand behind their title examination of the property. The proposed road was never dedicated to any public use. Lot 47 has been owned by Mr. Petros since August 7, 1965 and this lot, as do all the other lots in Section 23 and 23A, contains restrictive covenants.

Mr. Griffin referred to a letter dated November 10, 1965, which stated Mr. Petros' opinion as to the potential use of his land as industrial -- "to use this land for the purpose of heavy industry would be very detrimental if not disastrous to the surrounding community". This was written at the time Mr. Petros was considering the use of his property for high density residential uses. To permit industrial access over residential property would not only be disastrous to the community, Mr. Griffin concluded, but would greatly jeopardize the residential community that now exists.

Mr. Schonberg concurred in Mr. Griffin's statements, and presented a petition signed by 160 residents of Longpine Drive, Heming Place and Heming Drive, and all the cul-de-sacs adjoining Longpine Drive. He discussed the history of the property in the application, saying that at the time the zoning took place, the property was not landlocked.

Mr. Stan Parris stated that he had had several discussions with Mr. Petros as to use of the property, to no avail as it did not appear that there could be a meeting of minds. Mr. Petros was not interested in having the category of the property changed. For that reason the Board of Supervisors adopted a Master Plan showing it zoned I-G, since it had been zoned this way for some 15 years. He also had discussed with the Highway Department the possibility of expanding or getting around the problem of the overpass on #495, with an overpass over the railroad and an industrial access road running in that direction. It appears to be totally unfeasible, and would probably run in the neighborhood of one million dollars. If the property could have been considered for use as industrial, the overpass should have been extended and suitable access should have been extended into the industrial area, but because the Highway Department did not feel it was justifiable to use taxpayers' money to give access to industrial property that was 300 ft. wide and would never be used for industrial purposes, it was disregarded in the construction of #495. Pouring 18 acres of Mr. Petros' land and another 20 acres of I-G uses through an access road into residential property through residential streets is not the answer. He would be happy to discuss changing the zoning category of the property into something that would be compatible with the property in the area, and suggested a residential use. Land records show that Mr. Petros paid $3750 per acre for the property and that is not out of the realm for residential property. Zoning for 15 story high rise apartments is not the solution, and I-G is not either.

Mr. Smith suggested deferring the application to allow something to be worked out.

Mr. Bell of the Park Authority said they had been aware of this problem for a number of years. Six months ago, citizens appeared at a Park Authorith meeting concerning this problem. They felt it was desirable to call Mr. Petros and ask him to attend the meeting and they discussed the problems. The Authority at that time requested the citizens and Mr. Petros to come back in approximately 30 days if they had come to some solution - however, they could come to no decision.

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Mr. Brophy said he had the impression that the only reasonable use the citizens would like for the property is single family residential; they are not interested in single family units. In the letter that Mr. Petros wrote indicating that he thought heavy industry was not appropriate in this location, he has not changed his position at all. They indicated that because of the peculiar shape of the land, light industrial use is the appropriate use here.

Mrs. Henderson read the Planning Commission recommendation for denial of the application.

Mr. Everest moved that the application of Edward Petros, as stated, be denied on the grounds that it does not meet the qualifications for special permits under Section 30-7.1.1. Seconded, Mr. Yeatman.

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Mr. Smith felt that this was setting up another impasse rather than solving the problem. He said he would like to see the application deferred to try to work something out. The applicant has indicated a lesser use than the zoning category permits, and he hoped that the applicant could meet with those in opposition and find a solution rather than stalling again for more action through the courts. This Board will probably get it back again for access through the Park Authority property.

Mr. Everest felt that the case did not deserve any merit before the Board of Zoning Appeals because there are alternate solutions. This Board cannot consider monetary conditions.

Mrs. Henderson said she voted in favor of the motion to deny, to help Mr. Petros to more quickly find a solution for the use of his land - this could very well be another zoning category. Messrs. Smith and Barnes voted against the motion. Messrs. Everest, Yeatman and Mrs. Henderson voted in favor. Carried 3-2.

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HYMAN BERNSTEIN & HENRY C. ROWE, application under Section 30-6.6 of the Ordinance, to permit carport 5.9 ft. from side property line, at 5027 King Richard Drive, Lot 173A, Resub. Lot 173, Sec. 3, Canterbury Woods, Falls Church District (R-12.5 Cluster), V-382-66

Mr. Hansbarger, representing the applicant, said the Rowes purchased the property last fall and are living in the house. The builder advised them that he would have engineers determine whether there was room for a carport and they made the determination that there was room. The land is zoned R-12.5 but the houses are built according to R-17 zoning. Once the error was discovered, the construction was there. This is an unenclosed carport with roof, poles and a concrete pad. The carport has the same slope as far as the roof is concerned - the roof of the carport is the roof of the house. The Rowes moved in in April but when FHA inspection was made, they found the house was in violation of the side yard setback. The builder then for the first time attempted to do something about it. He resubbed this so while it did not correct the violation, it minimized it so that the front part is 5.9 ft. when it should be 8 ft. and the back part is 7.6 ft. when it should be 8 ft. from the side line. They are asking for a 2.1 ft. variance from the side lot line. The lot is of sufficient size to accommodate a carport had it been moved to the right. A considerable number of houses in the subdivision have carports. The builder says it is the engineers' fault; the engineers say it is the builder's fault.

Mrs. Henderson noted that the lot is irregular shaped.

No opposition.

Mr. Yeatman moved that the application of Hyman Bernstein & Henry C. Rowe, application under Section 30-6.6 of the Ordinance, to permit carport 5.9 ft. from side property line,(5027 King Richard Drive), Lot 173A, Resub. Lot 173, Section 3, Canterbury Woods, Falls Church District, be approved as it meets the error clause of the Ordinance under the variance section. Seconded, Mr. Barnes. Carried unanimously.

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W & N COMPANY, application under Section 30-6.6 of the Ordinance, to permit construction of a building closer to property line than allowed by the Ordinance, Lot D-1, First Addn. to Ravensworth Industrial Park, located on Port Royal Road, Falls Church District (I-P) V-383-66

Mr. Elmer Wiser, owner of the W & N Company, said the land was bought from T. Eugene Smith, owner of land to the left. It is approximately 110 ft. wide and sometime ago the zoning line cut across the front corner of their lot. They intend to have a 340 ft. building which has been accepted by the Ravensworth Industrial area, and they have approval from five owners.

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The lot is too narrow, Mr. Wiser continued. They wish to construct as close to the line as possible. The building will be 342 by 50 ft. The I-L and I-P zoning line runs across the corner of the property. The building will be 22 ft. high and will be for office and warehouse.

A letter from Mr. T. Eugene Smith requested approval of the application.

No opposition.

Mr. Yeatman moved that the application of W & N Company, application under Section 30-6.6 of the Ordinance, to permit construction of building closer to property line than allowed by the Ordinance, Lot D-1, First Addn. to Ravensworth Industrial Park, Falls Church District, be approved. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY - The case was put at the end of the Board's agenda to allow Mr. Cotton to be present.

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ROBERT STEPHEN SCHEFFEE, application under Section 30-2.2 of the Ordinance, to permit division of lots with less width and area than required by the Ordinance, Lots 13 and 14, Hallowing Point River Estates (6036 River Drive), Mt. Vernon District (RE-2) S-386-66

Mr. Mackall represented the applicant. The dividing line presently runs back from Carson Road and they want to turn it around. Mr. Scheffee lives on the corner lot facing River Drive. He wants to turn it around so the house will face the river, and because of the drainage easement running across the lot. Under the existing arrangement, he is pretty well obligated to go into the back of Lot 14. The difficulty is that this is now zoned differently than it was when the subdivision was developed. The lots are all 1/2 acre and 3/4 acre lots. They are taking two lots and turning them around - there is no basic change. The subdivision was platted about fourteen years ago.

Mrs. Henderson said a letter had been received from Mr. Stevens, owner of Lot 12, requesting that the hearing be postponed so he could be present in opposition.

Mr. Smith said the arrangement proposed by the applicant seems to be a better arrangement and he did not see how it could adversely affect Mr. Stevens. It would be better than having the house back up to his lot. However, in view of the fact that Mr. Stevens is on military duty, the Board should defer the application to hear what he has to say. He moved to defer to August 2. Seconded, Mr. Barnes. Carried unanimously.

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BELLEAU WOOD, INC., application under Section 30-2.2.2, Col. 2 and Section 30-7.2.2, Group II of the Ordinance, to permit the installation and operation of two sewerage stablization ponds with attendant facilities shown on plat attached and modification of minimum requirement from 1,000 ft. to 500 ft. - located on west side of Rolling Road (Rt. 638) - South of Virginia Drive, Mason District (R-17) S-387-66

Mr. Prichard, representing the applicant, stated that in March he appeared before the Planning Commission in behalf of the applicant requesting a change of zoning from RE-1 to R-17. At that time he outlined these plans for stabilization ponds to be used until the sewer plant is completed in the summer of 1968. He told the Planning Commission that he had filed application with the State Health Department Water Control Board for construction of stabilization ponds to discharge effluent into Pohick Creek. He appeared before the Board of Supervisors and outlined the plans, and they indicated that they had adopted a policy that would not permit any open type stabilization ponds but would require closed type ponds with no discharge running into a stream. If it becomes filled, it has to be sprayed. Under this plan they have redesigned their system in accord with the Board of Supervisors, and have offered to construct the system and convey it to them. They indicated that this type of system would be acceptable, details to be worked out with Sanitation. The engineers have worked with Sanitation and this is the type of system they have required. They have obtained approval from the Planning Commission but have not yet obtained approval from the Water Control Board although they expect that shortly. They will have two ponds totalling 3 1/2 acres. This will require a variance from the 1,000 ft. setback line. They can maintain a 500 ft. setback and develop about 350 houses and the school site. The 1,000 ft. setback only overlaps one property owner to the south, Mr. Lynch, who has stated that he has no objection. There is a large VEPCO right of way crossing the southern part of the property and the north part of the property. The 1,000 ft. setback line actually means no possibility

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of houses being built within 1,000 ft. except those being built by the developers. There is no house on the Lynch property because of the right of way. There would be 1400 people, including the school, to be served by these ponds.

No opposition.

The Planning Commission recommendation for approval was read.

In view of the recommendation of the Planning Commission, Mr. Smith moved that the application of BELLEAU WOOD, INC., application under Section 30-2.2.2, Col. 2 and Section 30-7.2.2, Group II of the Ordinance, to permit the installation and operation of two sewerage stabilization ponds with attendant facilities as shown on plat attached to the application, and modification of minimum requirement from 1,000 ft. to 500 ft., west side of Rolling Road, Rt. 638, south of Virginia Drive, Mason District, be approved as applied for, with a variance of 500 ft., allowing the applicant to construct, or lot lines should be at least 500 ft. from the stabilization ponds and pumping arrangements. Also, in connection with this, to place in the record and read briefly the stipulations set forth by the Board of Supervisors in connection with these ponds: 1. Temporary sewage treatment by settling ponds or lagoons is appropriate where specific plans for sanitary sewer service have been made and financed. 2. All such lagoons in the Pohick watershed shall be so constructed that there will be no discharge into the Pohick from such lagoons and adequate open area around the lagoons shall be provided for aeration as needed. 3. Sewerage system, including lagoons, shall be constructed at the expense of the developer and in accordance with plans approved by the Division of Sanitation and the Health Department. 4. General location of such lagoons to be approved by the Planning Commission and by the Board of Zoning Appeals where required. 5. Fairfax County to accept entire system for maintenance and operation, upon completion and approval, and will collect applicable charges. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Section 30-7.2.10.1.1 of the Ordinance, to permit erection and operation of service station, located on Old Dominion Drive and Poplar St., Lot 9, Block 8; Lot 11, Block 7, Ingleside, Dranesville District (C-N) S-384-66

Mr. Robert Cotton represented the applicant. It would appear that they propose an intersection with Maple Street, he said, which is dedicated but unbuilt with an intended width of 30 ft. This was dedicated in 1905 but has never been used for any purpose. An application has been filed and is to be heard by the Board of Supervisors in a week to consider vacating it. This would make lots 9 and 11 a single parcel. It is under common ownership. The zoning was C-O but there was no available use for a C-O parcel in this location. The application for C-N indicated that the purpose was to establish a Colonial automotive service facility which is not a plain ordinary gas station - it is different. This will be a three bay service station with entrances in the back. The property will be shrubbed, treed and screened.

No opposition.

Mr. Smith moved that the application of Cities Service Oil Company be approved as applied for with the erection of one sign as indicated, and with a colonial three bay automotive service center, better known as a service station, for service station uses only. That the building be constructed with dormer type roof as indicated by the rendering and that the property shall be landscaped. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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M.A.S. CORPORATION, application under Section 30-6.6 of the Ordinance, to permit erection of a 2 1/2 story apartment building, 63 ft. from Edsall Road and on the Fairfax-Alexandria line, 35 ft. from side property line, Lee District (RM- 2M) V-388-66

Mr. Bernard Fagelson said he was asking for variances on setbacks and also a variance to construct a 2 1/2 story apartment house. His client owns 4 1/2 acres, 3 1/2 of which are located in the City of Alexandria, with little less than 1 acre in Fairfax County. The Alexandria land allows an average of 27 units to the acre, with a height of 150 ft. That in Fairfax County permits 30 units average to the acre and a six story high building. Unfortunately, in designing the apartment development for this property, it became obvious that when they followed a normal setback on the property, the building would not fit. The first plan drawn by the architect met all setbacks but only a tiny portion of the building would be in Fairfax. At first they thought this would work but then the question of taxes and schools came up.

M. A. S. CORPORATION - Ctd.

Everybody agreed that parking should be in the center and the entrance should be in Alexandria. If we are to develop the property, Mr. Fagelson continued, we have no choice other than ask for variances on setback and height.

Why not put all the building in Alexandria and use the Fairfax land for parking, Mrs. Henderson asked?

Alexandria would do that, Mr. Fagelson replied, but then they would lose the Fairfax density and the children would have to go to Alexandria schools. Alexandria would be getting the taxes for the buildings. This is a classic case. This is what the Board is for - when the shape of the land is such that one cannot use it without a variance.

Mr. Smith asked if the density involved in the entire tract is greater than allowed by the zoning ordinance.

It is between four and six units less, Mr. Fagelson said. They are not changing the density and are not asking for a variance on parking. The buildings will not vary and there will not be any incompatibility. The buildings to be located in Alexandria meet the setbacks so there is no problem, and Mr. Stanton, adjacent property owner, has no objection to the variance request in this application. The entire tract is in one ownership. There will be 120 units with 159 parking spaces. Both jurisdictions have indicated a willingness to assume responsibility for the site plan or allow the other jurisdiction to do it.

No opposition.

Mr. Smith moved that the application of M. A. S. Corporation be approved as applied for, with the exception that the buildings be 35 ft. from the side property line rather than 29 ft. as indicated on the plats, because 35 ft. was the advertised variance. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HYBLA VALLEY JOINT VENTURE, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, east side of U. S. #1, approximately 1,000 ft. north of Rt. 626, Lee District (C-D) S-389-66

Mr. Fagelson stated that this is part of a shopping center which is not built. They have dug the foundations and everything is under firm lease. This is to be a Cities Service station --not a porcelain station. It would be developed generally in conjunction with the type of architecture that the shopping center itself will be, traditional with modern overtones. It will be similar in concept to the University Shopping Center. In widening of Route 1, at least four gas stations in the immediate vicinity have gone out of business, one of which was a CITGO station and this would be a replacement of that one.

Mr. James Miller, engineer, said this would be an A frame type roof, and there would be pre-cast paneling covering the block. They are using aggregate paneling with small stones on it, gray in color, with a blemish finish in this particular station. It will be a three bay station.

No opposition.

Mr. Yeatman moved that the application of Hybla Valley Joint Venture, to permit erection and operation of a service station, east side of U. S. #1, approx. 1000 ft. north of Rt. 626, Lee District, be approved and that a station be built of the architectural design similar to photos shown to the Board. All other provisions of the Ordinance to be met. For service station only -- no U-Hauls, etc. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

COMMUNICATIONS WORKERS OF AMERICA, application under Section 30-7.2.5.1.4 of the Ordinance, to permit operation of a meeting house and offices, W. side of Woodburn Rd., approx. 200 ft. N. of Hayden Lane, Falls Church District (RE 0.5) S-360-66

(Deferred from June 28 to view and for further plans by the applicant.)

Mr. Hansbarger said he had received the following notes from the Fire Marshal and the Health Department:

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From the Fire Marshal: "The following comments were noted on my site inspection of the captioned property: 1) Enclose the boiler room in the partial basement in a 45 minute rated enclosure. 2) Boiler to meet all safety requirements of the B.O.C.A. code. Contact Mr. Schoonover for any requirements concerning the boiler. 3) The oil burner in the existing shed being used as a laundry room cannot be used. It is not in a rated enclosure. 4) The second floor is not to be used for any purpose. Occupancy restricted to the ground floor. 5) Provide fire extinguishers. Contact the County Fire Marshal for number required and location. 6) Existing exits from ground floor are sufficient for the number of people indicated (25 to 30). 7) No exit lights will be required. 8) Contact the Electrical Inspector and Plumbing Inspector so they can make appropriate inspections. 9) The use of this structure for the purpose stated in the appeal should be for the minimum length of time possible."

From the Health Department: "We have investigated the subject property and find that the structure is supplied by a public water supply and the septic tank system appears to be adequate for the use planned."

Mr. George Vincent said their organization would be willing to take any plans or proposals to a neighborhood group or to the Board of Zoning Appeals for approval.

Mrs. Henderson felt that any permanent structure would have to have a use permit and the permit would be subject to conditions previously outlined by the Fire Marshal and any other reasonable conditions which the Board would care to embody.

Mr. Hansbarger said they were only asking to use the existing structure subject to conditions outlined, on a temporary basis. They are committed to buy the property and will settle on Friday of this week.

Mr. Smith was concerned about the close proximity of the house on adjoining property.

Mr. Vincent said they would build a new building as soon as they could but he knew they could not do this for at least two years.

Mrs. Henderson felt that if the application were granted, the driveway should be moved to the other side of the house so there would be less impact on the area.

Mr. Hansbarger said they would not ask for a waiver on the site plan if the application were granted.

Because the public hearing was completed previously and this was deferred to clear up several points, and since Mr. Smith had the chair, (Mrs. Henderson was out of the room a few minutes during the previous case heard and Mr. Smith took the chair) Mrs. Henderson said she would make the motion to grant the application with the following conditions: that the hours of operation be from 9:30 a.m. to 3:00 p.m., five days a week; limited to two night meetings per month from 8:00 p.m. to 12:00 midnight. All Fire Marshal and Health Department regulations as listed shall be part of the motion. The driveway should be moved 100 ft. over to the property line to the north and the present driveway abandoned. They will come in on the north side of the house instead of the south side. No other use of the property shall be made other than the keeping of records and use during these hours, and this is a permit for a two year period. It is also understood that this permit gives no vested right of use of the property for any future time and future change of plans. Seconded, Mr. Everest. Carried unanimously.

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JOHN P. & MARGARET B. FAIREY, application under Section 30-6.6 of the Ordinance, to permit erection of carport, 11 ft. from side property line, Lot 4, Block 43, Section 16, North Springfield, (7504 Dunston St.) Mason District (R-12.5) V-375-66

(Deferred from June 28 to view the property.)

Having seen the property, Mr. Smith moved that the application of John P. and Margaret B. Fairey, application to permit erection of carport 11 ft. from side property line, Lot 4, Block 43, Section 16, North Springfield, 7504 Dunston Street, be approved as applied for, all other provisions of the Ordinance to be met. The variance will allow the posts to set 11 ft. from the property line with a 2 ft. overhang instead of 3 ft. as shown on the plat. This gives 13 ft. of roof and the poles set 11 ft. from the property line. Seconded, Mr. Yeatman. Carried unanimously.

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JAMES E. HOOPER, application under Sec. 30-6.6 of the Ordinance, to permit erection of three stores on right side property line, Lots 11 and 12, Gordon's Addition, West Falls Church, Providence District (C-G) V-356-66

(Deferred from June 28 for new plats and to clear up confusion on some points of the Jefferson Plan)

Mr. Dwight Whiting presented new plats.

Mr. Rust said he had informed the Board in error at the last hearing as to the zoning line as specified by the Board of Supervisors in the Jefferson Plan.

Mr. Hooper said they plan to have a 7-Eleven Store in the center and another store on each side. The 7-Eleven Store has a standard size and they cannot deviate from this.

Mrs. Henderson felt that only the 7-Eleven Store should go on the property. Also, she felt it would be better to take the driveway down the left side of the building.

The Junior Hot Shoppe in getting their site plan approved, had their entrance approved in this location, Mr. Whiting said, and this application is sticking to that entrance. There is an existing 14 ft. concrete drive going back.

This is no justification for variance, Mrs. Henderson said. The building could be cut down 3 ft. and moved over. There are no topographic conditions present.

Mr. Carl Coan sent a telegram stating the same objections as presented at the last hearing on this application.

A letter from Mr. Weetman stated that he had no objections.

Mr. Hooper said this would be a one story building with a rough basement for storage. They would provide 11 parking spaces.

Mr. Smith moved that the application be denied as the applicant has not met the hardship section of the Ordinance to justify a variance of this degree. No second.

Mr. Yeatman moved that the application of James E. Hooper, to permit erection of three stores on right side of property line, Lots 11 and 12, Gordon's Addition, West Falls Church, Providence District, be granted. All provisions of the Ordinance are to be met. Granted due to topography of the land. Granted as shown on new plats presented. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion.

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BEA LYN HOMES, INC., application under Section 30-6.6 of the Ordinance, Lots 273, 274 and 275, Block L, to permit erection of dwelling 15 ft. from side property line; Lots 307 and 308, Block L, to permit erection of dwelling 45 ft. from Craig Avenue, Mt. Vernon Grove Subdivision, Mt. Vernon District (RE 0.5) V-371-66

Applicant's letter requested that he be allowed to withdraw the application.

Mr. Barnes moved that the applicant be allowed to withdraw the application with prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Joseph Shouse came forward to object to the application of CITIES SERVICE OIL COMPANY at Old Dominion Drive and Poplar Street, Lot 9, Block 8, Lot 11, Block 7, Ingleside, which was heard earlier in the day. Although the proposed building is very beautiful, he said, and would probably upgrade the value of property in the area, he still wished to register an objection as there are too many gasoline stations in the area and this one is not needed.

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Acquinas School -(Colonel Futtrell) Mrs. Henderson stated that when the application was granted for the school, it was planned for the basement of the school, however, the Public Works Department says it is not feasible so now he wants to put an addition onto the side of the building.

Colonel Futtrell said the school had been in operation during the past year and had 94 pupils at the end of the season. About 50% of them are service people's children, ages 3 to 6, or 2 1/2 to 6 if they are fairly advanced. They have a maximum of 150 children at one time, morning and afternoon sessions, and a minimum of 10 parking spaces (they have provided 22) allowed by their permit.

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AQUINAS SCHOOL - Ctd.

Mrs. Henderson felt that the Board could amend the motion of July 1965 to say that the additional square footage would be aboveground instead of in the basement since Public Works has declared it unfeasible to dig out the basement.

Mr. Smith moved to allow the additional square footage above ground instead of in the basement. The number of children and hours of operation will be the same.

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MCLEAN RACEWAYS - McLean Raceways submitted a request to change their hours of operation. Business functions have asked that they open at 10:00 a.m. and younger people wish them to remain open on Fridays and Saturdays until midnight.

Mrs. Henderson noted that some objections had developed since the last hearing and she did not know whether the hearing should be completely opened up again or not.

Mr. Everest said he was not opposed to the operation opening earlier but was opposed to it being open later. Mr. Smith agreed, but said he might give some consideration to midnight on Friday nights only.

Mr. Yeatman said he would consider 11:00 p.m. on Friday and Saturday, and opening at 10:00 a.m.

Mr. Smith moved to amend the application to show opening hours at 10:00 a.m. to 11:00 p.m. Friday and Saturday only. Monday through Thursday, 10:00 a.m. to 10:00 p.m. and on Sunday, 2:00 p.m. to 10:00 p.m. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed the carport which had been built in violation at 6424 Meriwether Lane, and requested that Mrs. Babler come before the Board to explain how this happened.

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Mr. Paciulli asked "What is a balcony?" After much discussion it was agreed that if it has supports, it is a porch. If it does not have supports it is a balcony.

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The Board discussed fees for applications before them. Mr. Yeatman moved that there be a $25 fee for use permits and $20 for variances. Seconded, Mr. Everest. Carried unanimously.

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Mrs. L. J. Ryan discussed violations by Lyons Construction Co. near Tyson's Corner and how much the operation has grown over the years. It is a non-conforming operation. The Board agreed to look into the situation.

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Mrs. Henderson noted a request by Accotink Academy to allow the use of temporary buildings for the coming fall. They would build permanent buildings in June. Building Inspector and Health Department had offered no objection.

Mr. Smith said they would need a variance in order to set up temporary buildings and this could very well start a number of such requests all over the County. Rather than have a rash of such requests, it would be better to deny the one under consideration. The Board agreed that Accotink Academy could not use temporary buildings.

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MILDRED W. FRAZER - Mrs. Henderson said Mrs. Frazer could not build on the property on which the Board granted a use permit for a school, because of drainage problems. She now has an option to buy the house immediately adjoining. The Church will allow her to continue operating there until December 2. The Board agreed that there would have to be a full hearing on the new location.

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After briefly discussing the question of whether a permit was needed for the operation of Lake Fairfax by the Park Authority, and reaching no decision, the meeting adjourned at 7:10 P.M.

By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

10/21/66
Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, August 2, 1966 in the Board Room of the Fairfax County Courthouse. Mr. Everest was absent and Mr. Smith arrived late. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

The Board set the date of September 20 as an extra meeting because of the heavy agenda.

MILLER & SMITH LAND DEVELOPMENT CO., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, bath house and related recreational facilities, on east side of Route 235, approx. 1000 ft. north of entrance to Mt. Vernon, Proposed Wessynton, Mt. Vernon District (RE 0.5) S-397-66

Mr. John T. Hazel, Jr., stated that this is a plan for a community swimming pool which will be put in before the subdivision is developed. Miller & Smith recently acquired the tract from the Herbert Bryant family. They propose to build homes in the $45,000 - $50,000 bracket on approximately 135 or 140 quality lots. They have been operating in Maryland and seem to have a good record. These will be different styles of homes. There will be a number of waterfront lots along the creek. The channel will be improved and the lots will back up to it. The stream will be dredged to allow small ponds to come up behind the lots and at some point there will have to be a facility of common nature, maintained by the Association, to allow docking. The subdivision is well laid out, with green space all the way up the stream valley to Route 235. There are five homes presently built along the whole boundary. There will be a 30 ft. buffer strip to protect these homes, with a fence around the pool. The nearest home is 200 ft. or more from the pool. The tract contains 9.05 acres. Parking is oriented inside the boundary so that it will not be right up against the property line. The pool will be turned over to the citizens group when it is organized, and will be supported by these homes only. People from other areas are not anticipated. If more parking is needed later on, there is adequate room along the northern boundary line. This subdivision is subject to an easement to the Mt. Vernon Ladies Association to maintain its use as a single family residential use, and land already has been dedicated for widening of Route 235. This application is for a pool and bath house and if tennis courts are desired in the future, they will come back to the Board.

No opposition.

Mr. Yeatman moved that the application of Miller & Smith Land Development Co., to permit erection and operation of a community swimming pool and bath house be granted. But, if they plan to put in more than a swimming pool and bath house, they should come back to the Board for further uses on their permit. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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KEEN HOMES, application under Section 30-6.6 of the Ordinance, to permit carport 10 ft. from side property line, Lot 23, Block 2, Section 3, Stratford on the Potomac, (8302 Brewster Drive), Mt. Vernon District (R-12.5) V-398-66

Mr. John T. Hazel, Jr., stated that Lot 23 is on a cul-de-sac. The house was staked and footings were poured, but the carport was increased in size by 2 ft., necessitating a request for a variance on the corner post of the open carport. This was not a surveyor's error. It was an error in the width of the carport. When it was laid out, there were oblique lines at the end of the cul-de-sac and when it was measured off they appeared to be in the setback. The final check showed it to be in violation. With the large oak trees there, Mr. Hazel said he did not feel there would be any significant impact. The carport was enlarged because of sales resistance to the narrow carport. They did not know they would run into this problem.

No opposition.

Mr. Barnes moved that the application of Keen Homes, to permit carport 10 ft. from side property line, Lot 23, Block 2, Section 3, Stratford on the Potomac (8302 Brewster Drive), Mt. Vernon District, be granted due to the fact that there is only one corner involved. This is the minimum variance and meets the requirements of the hardship clause in the Ordinance. Seconded, Mr. Yeatman. Carried unanimously. (3-0) Mrs. Henderson said she voted for the motion because of the irregular shape of the lot. She

did not condone the enlargement of the carport after the plans had been approved.)

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MOBIL OIL CO., to permit erection and operation of service station and permit pump islands 25 ft. from right of way line, N. side of #236, approx. 150 ft. east ;f Hummer Rd., Falls Church District (CDM) S-399-66

Mr. John T. Hazel, Jr. stated that they wish to put a service station behind the 7-Eleven Store on Hummer Road. The station would be in the front of the property with a grassed area behind it up to the 7-Eleven Store. This is an unusually deep lot for a service station, so the entire rear of the property would be used as buffer area. The service road cut through has already been approved by Public Works and Street Design. This would be a two bay service station with a pump island variance. It will be similar to the station on Lee Highway at Graham Road. The 7-Eleven Store will be the more dominant structure and it is a one story flat roof building - this is hardly a colonial area. Putting the station at the required setback would create a sight problem and Hummer Road is not in the plan for widening.

No opposition.

Mr. Yeatman moved that the application of Mobil Oil Company be approved to permit erection and operation of a service station and permit pump islands 25 ft. from the right of way line, north side of Rt. 236, approximately 150 ft. east of Hummer Road, Falls Church District, for gasoline station use only. All other provisions of the Ordinance shall be met. This will be a modern brick building as shown in the pictures. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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R. L. DUNMIRE, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 45.3 ft. from front property line, and permit erection of carport 13 ft. from side property line, Lot 37, Section 1, Springvale, (7212 Oriole Avenue), Mason District (RE-1) V-390-66

The history of this property goes back about 15 years to a lady named Boland, Mr. Hazel stated. In 1952 she acquired a building permit to erect a dwelling on this 22,000 sq. ft. lot in a RE-1 subdivision. Oriole Avenue is a pre-current day standard street, built when gravel could be put down with a two shot treatment and be a street. Mrs. Boland started the house, got the basement in and the masonry walls, then the construction terminated for 13 years. Mr. Dunmire investigated the unfinished foundation in 1965, got Mr. Croy's office to inspect it, and they issued a permit to use this as part of the house that he intended to put there. This was something of an eyesore prior to Mr. Dunmire's acquisition of the site and has been a real problem for many years. In the meantime, sewer came in to relieve part of the development. The original permit allowed a pit privy home to be constructed. Mr. Dunmire had the construction and engineering checked out but through some misunderstanding they overlooked the fact that the foundation was only 45 ft. instead of 50 ft. from Oriole Avenue. This was a surveyor's error. Mr. Dunmire went ahead with the construction. He got the building permit and constructed a very attractive brick home which he sold for $35,000. Very recently in connection with a resurvey of the property it turned out that the house was 3 1/2 ft. in violation and has always been in error. This was in no way a deliberate error on Mr. Dunmire's part. He presented supporting statements from both adjoining owners and two others in the immediate area. The second part of the application requests a 1 ft. variance on the rear and 2 ft. in the front to erect a carport; this would be under the 15% allowance which can be made by the Zoning Administrator. A lot of the existing development is on pit privies, Mr. Hazel continued, and in connection with the carport, moving it up the hill would run into trouble with the large oak trees in the ~~front~~ rear yard.

Mrs. Henderson said she felt that the front setback variance was a reasonable request. This is an upgrading of the lot and removal of an eyesore.

Mr. Hazel said that settlement on the property is being held up for this Board's action on the variance request.

Mrs. Henderson said that although the first part of the application seemed a reasonable request, she would hesitate to grant the second variance for a carport without looking at the property.

Mr. Bob Riner described the large clump of oak trees in the rear of the property and said the Colonel who purchased the property had wanted a double carport. He said he explained to him that even a single carport would require a variance. The lot grades upward in the back and as a

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temporary expedient, in order to keep erosion away, the Colonel has built a brick retaining wall, which would be the rear of the carport. He would also put a 6 ft. fence around the entire back lot.

Mr. Riner said he was involved in this as appraiser of the original construction loan and they had no knowledge of the need for a variance. This was sent to title attorneys and it was called to their attention after a contract had been written on the property. The Colonel who bought it is desirous of a tandem carport with a roof; he plans to make this his permanent home.

A letter was read from Mr. Arthur Hughes, President of the Springvale Citizens Association.

Mr. Curtis Clarke, resident of Springvale living across from the house being discussed, speaking both on behalf of the Springvale Citizens Association and the builder of the house, said it is the Association's feeling that this is definitely a well built house and a credit to the community. Several realtors have told him that this house has enhanced the value of other property nearby. Concerning the variance under discussion, that was a human mistake of several years ago, and he could see no reason for raising any questions pertaining to the builder. The letter from the Springvale Citizens Association was merely in the spirit of alerting officials in Fairfax County that they should be careful about making mistakes in the future.

Opposition: Mr. Hugh Dolan, resident of Springvale, referred to his letter dated July 19 and asked that it be made part of the record. (Letter on file in the Zoning Office.) The permit was issued in 1952, he said, the footings were poured and the cinderblock was laid. The work was stopped for some reason which is not clear, and the foundation was from 5 to 3 ft. out of line. In 1956 the Building Inspector's office told Mr. Curtis Clarke that footings could not be approved and after inspection of the site by the Building Inspector, he told Mr. Clarence Burnett in 1956 and Mr. John Petusa in 1957 that the foundation could not be used. New footings would have to be poured. There was no mention of the fact that old footings were to be used in this case, either to the Building Inspector's office or to the Zoning Office. Nor did the records in the Building Inspector's office reflect that old footings were there. The footings were passed. The use of this footing condoned by this Board may permit the present occupant to buy a house sitting on something in the nature of a floating dry dock. That foundation has been subject to flooding, freezing in winter, and has been completely unprotected for 13 years. If this Board approves that use, someone is going to be stuck with a defective piece of workmanship. The builder was advised some months ago of the intent to report this violation, and still he went ahead with his building. The house is now occupied.

Mr. Dolan said he did not believe the Board of Zoning Appeals had the jurisdiction to grant any relief to this applicant under Section 30-6.6 5.4 of the Ordinance. As to this not being through any fault of the builder, this is not the case. The applicant made building of this house a project for his drafting and design class which he teaches at Edison High School. They designed the house for those bad footings. The plats submitted with the application were dated 11 January 1966, by his own surveyor, and they reflect that the footings were out of line. This man knew very well that this house was way out of line before commencing construction. He went ahead, despite warnings, built the house and had it occupied and has put the burden upon this Board and the people reporting the violations. On examination of Chapter 30 of the Zoning Ordinance, this Board, even if it wants to, cannot give this applicant any relief because he has demonstrated by the evidence submitted to this Board that he was at fault in finishing the building when he had noticed that it was out of line. To give him relief would clearly contravene that language of the Ordinance which states that the error in location of the building must occur subsequent to the issuance of the building permit. When he filed his application for the building permit, Mr. Dunmire did not advise County officials of the existence of the old building permit nor did he attempt to rest on that old building permit at all. Mr. Dunmire violated the Ordinance and if this Board attempts to give him any relief, they will be violating the Ordinance and a court of law will be required to set aside the action of the Board.

Mrs. Henderson read a letter from Mr. Short of the Building Inspector's Office, dated July 22, 1966. (Letter on file in the Zoning Office.)

Mr. Dolan said the Building Inspector's office turned these footings down 10 years ago, however, he had no evidence which he could submit to prove this.

Mrs. Henderson noted that the original permit dated October 1952 was a drawing of the house, basically the same layout, and it showed 50 ft. The present one has a plan of the plot and also says 50 ft.

Mr. Dolan said the plat in Mrs. Henderson's hands was cut from plans reflecting that new footings were to be poured. With respect to the earlier plat, someone knew and used the old building plat back in 1952 but that was not dug out of the Zoning files until he went in at the end of June 1966 and asked that it be dug out. If the builder intended to use that, he should have based the application on renewal, or used that plan in some other way. This was in the dead file in the Zoning Office. Another fact is that Mr. Dunmire's own surveyor saw that as being out of line before there was any substantial construction. The builder was aware of this. Basically the question before this Board is whether it has jurisdiction to entertain this request. This was the fault of this man because he had knowledge that he was going to use old footings, he represented new footings and had boys in his school draw plans using old footings. The house could be moved back.

A survey dated January 11, 1966 was filed in the Zoning Office, Mr. Dolan continued, showing the improper distance.

There was no plat of this date in any of the file records. The application was dated June 24 and the plats in the folder were dated June 23.

There are two points to be considered, Mrs. Henderson said -- one, if it is an unsafe house on an old foundation, that is the owner's risk. In spite of the fact that the Building Inspector's office has said it complies with the Building Code, and in considering the allegation of the mistake, all the Board can go on is the information in the file before them and if there is something missing, they just don't have it, but from all the evidence before the Board it appears that there was an error.

The man must show that the error was through no fault of his own, Mr. Dolan stated, and he must submit a certified surveyor's plat to the County. His failure to do that shows fault on his part and denies him any consideration under this section of the Ordinance. There are seven other violations in the area which are being called to the County's attention, Mr. Dolan said, some of which may relate to this Board's jurisdiction.

Mr. Hazel said the building permit was obtained showing 50 ft.. The surveyor furnished a wall check to Mr. Riner's office and that was the first plat which he had seen indicating the house under construction at less than 50 ft. Even after the survey came in with 47 ft., nobody realized that the proper building restriction line was still 50 ft. so that even after the numerical changefrom 50 ft. to 47 ft. it was correlated as an error until June and the bank nor the settlement attorney, nor the surveyor recognized it as a violation.

On June 23 Mr. Riner said he received a call from Mr. Dolan and this was absolutely the first information he had received from any source that there was any problem of variance. He said he made a trip to the County Courthouse and spent a whole afternoon checking records. He was assured that there was no violation. They do not make a preliminary inspection of the property nor any advance of funds for construction loans until they have in their files approved plans and building permits and location survey. At no time was the purchaser advised completely as to what had developed. He received from Mr. Croy a letter certifying to the fact that construction of this home met all requirements of the Building Code. He explained to Major Dolan that he had detected no defects in the construction and there was no attempt to deceive anyone. The survey of January 11 came in with the building permit and this goes to the title attorney. This went through Savings & Loan and then on the inspections that were made as construction progressed, on each inspection they assured themselves there were no violations of the Building Code.

Mr. Yeatman moved that the application of R. L. Dunmire to permit dwelling to remain 45.3 ft. from front property line, Lot 37, Section 1, Springvale (7212 Oriole Avenue) Mason District, be approved as applied for, but that the request to permit erection of carport 13 ft. from side property line be deferred to September 20 to allow the Board to view the property. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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THEODORE E. NAMEY, application under Section 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed by the Ordinance, proposed Lots 1 and 2, Bedford Acres (dead end of Delf Drive on existing 15 ft. outlet road), Dranesville District (RE 0.5) V-391-66

Mr. Namey said he wished to build a five lot subdivision. They have developed this completely but need 68/100 ft. and have 198.65 ft. to complete development of their subdivision plan. They dedicated 25 ft. and the State has acquired 55 ft. on the front. They granted an easement to the City of Falls Church and to the Washington Gas Light Company

August 2, 1966

THEODORE E. NAMEY - Ctd.

along the west side of Lot 1 and between Lots 4 and 5 to Old Dominion Drive. They are unable to get any additional property on either side.

Opposition: Mr. Robert P. Jones, adjoining lot owner, said Mr. Namey came into the area knowing at the time that under the McLean Master Plan how the ground was zoned. He did not walk into the situation blindfolded. Westerly Lane is a private access and Delf Drive has a barricade in front of it. After laborious efforts Mr. Namey was able to obtain RE 0.5 zoning and this was in contradiction to the Master Plan that was drawn up. There have been numerous problems. Everyone in the area bought with the understanding that this was a 1 acre area.

The vote on the rezoning request was unanimous, Mr. Namey said. He bought the property contingent upon rezoning to 1/2 acre and the Master Plan shows 1/2 acre.

Mrs. Henderson noted that the Bennett & Greene application on adjoining property was deferred to view the property and after viewing it, she was not in favor of granting their application.

Mr. Jones said that even though Mr. Namey had stated that he was developing a subdivision, there is a sign on the property advertising choice home sites for sale.

Mr. Yeatman moved that the application be granted as applied for; seconded Mr. Barnes. Mrs. Henderson voted against the motion. (Since it takes 3 votes under the Code to effect legal action, the split vote means that no action can be taken, Mrs. Henderson said, therefore decision will be made on September 20.)

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Mr. Smith arrived.

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CLARENCE BROTHERS, application under Section 30-6.6 of the Ordinance, to permit division of property with less width and area than allowed, NE corner of Great Falls Rd. and Haycock Rd., Dranesville District (R-10) V-392-66

Mr. Jerry Williams represented Mr. Brothers who wishes to divide the land into four lots. They are asking for a variance to allow an average of 9,762 sq. ft. instead of 10,000 sq. ft. Water is in both Haycock and Great Falls Roads. Mr. Brothers plans to build on these lots immediately.

Mrs. Henderson felt the development would be better with three lots.

Mr. Williams said the land has been owned by Mr. Brothers since 1962. He is primarily in the construction business, not in the development of real estate but mostly in repair and remodeling. This would not have needed a variance except for street widening which reduced the total area to less than 10,000 sq. ft. per lot.

Mr. Smith felt that the 11,000 sq. ft. shown on the outlot should be rearranged to get a more uniform lot size.

No opposition.

Mr. Yeatman moved to defer to September 20 to allow the engineer to come up with better plans which won't need so many variances. Seconded Mr. Barnes. Carried unanimously. (4-0)

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LOREK ARAUJO, (SYDENSTRICKER SCHOOL) application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, ages 4 and 5, hours of operation 9:00 a.m. to 12 noon, approx. 50 children, Sydenstricker Methodist Church (8505 Hooes Road), Mason District (RE-1) S-393-66

The School will be conducted on the premises of the Sydenstricker Methodist Church, Mrs. Araujo said, utilizing the now existing school facilities there. Last year the FAirfax County School system used these facilities by offering remedial reading to the community. The church contains 3 1/2 acres. The wooded section would be used as playground area (lot 15). She plans to start the school and later on turning it over to the church.

Rev. McNish stated that there was a space on the edge of the road in front of the church where a car might let children out without obstructing traffic. The children must cross the street to reach the playground but sight distance is good.

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LOREK ARAUJO - Ctd.

Rev. McNish said they would meet all Health and Fire Marshal requirements. This would be nursery school and kindergarten, children ages 4 and 5. They will have school buses but some children will be brought by their parents.

Mrs. Araujo said that at the time she filed the application she requested a 3 hr. morning session, but would like to also have an afternoon session if the need arises - 2 sessions of 50 students each.

The application was posted and advertised as one session, Mrs. Henderson said. This would be doubling the impact of the school, but if Mrs. Araujo finds that an afternoon session is needed, she can come back to the Board.

No opposition.

Mr. Smith moved that the application of LOREK ARAUJO (Sydenstricker School) be approved for a private school, children ages 4 and 5, hours of operation from 9 a.m. to 12 noon, approximately 50 children, Sydenstricker Methodist Church at 8505 Hooes Rd., Mason District. All other provisions of the Ordinance must be met. If the applicant desires an afternoon session she will have to come back to the Board. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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HARRY W. ROSEN, application under Section 30-7.2.2.2, Col. 2, Schedule of Regulations, to permit operation of beauty shop, 6200 Wilson Blvd. Cavalier Club Apts., Mason District (RM-2) S-394-66

Mr. Weissel represented the applicant. This will be under the name of Miss Cavalier Beauty Salon, operated by George Kraft, he said. Parking will not need to be expanded as this is being constructed to serve the tenants within the apartment development. This will be on the first floor of a 12 story building. There will be approximately 6 operators and there will not be a sign outside the building. He presented a floor plan of the first floor of the apartment building.

No opposition.

Mr. Yeatman moved to approve the application of Harry W. Rosen as applied for. All other provisions of the Ordinance shall be met. This is solely for the tenants of this high rise apartment project. Seconded, Mr. Barnes. Carried unanimously.

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THE SPRINGS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school in existing church building, maximum 40 children, on east side of Backlick Road adjoining Edsall Park Elementary School, (5423 Backlick Road), Mason District (RE 0.5) S-395-66

Mr. Kerrister, Acting President, and Mrs. Saltas, School Administrator, represented the school. The Spring Mar School has been operating in the Church, Mrs. Saltas stated but they have outgrown the facilities and are moving. They intend to have a maximum of 40 children, ages 2 1/2 through 6, hours from 9 a.m. to 12 noon; children ages 5 or more will be kept an extra hour one or two days a week. Behind the church is an area where parents can turn around after dropping off the children. Children will be taken outdoors during school hours but most of their activities are indoors. They will fence the area so the children will not have access to Backlick Road. They will meet all requirements of the Health Department and the Fire Marshal. They have a one year lease with option to renew.

No opposition.

Mr. Smith moved to approve the application of THE SPRINGS, to permit operation of a montessori school in existing church building, children ages 2 1/2 to 6 years, five days a week, from 9 a.m. to 1 p.m. with a maximum of 40 children, east side of Backlick Road adjoining Edsall Park Elementary School (5423 Backlick Road), Mason District. The School shall notify the Zoning Administrator of the names, telephone numbers and addresses of those in charge of the school. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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DOMINION ACADEMY, INC., application under Section 30-7.2.6.1.3 of the Ordinance to permit operation of private school in existing church building, ages 8 thru 13, max. number of children 60; hours of operation 8:30 a.m. to 2:45 p.m., (Olivet Episcopal Church), 6107 Franconia Road, Lee District (R-17) S-396-66

Mr. Merrill Corchan said they wished to use the school facilities in this location, consisting of 7 classrooms. Hours of operation would be from 8:30 a.m. to 2:45 p.m., for grades 2 through 8. The application mentions a ceiling figure of 60 students - they have 23 enrolled at the present time. They could never handle more than 60. There is a circular driveway in front of the church where students would be dropped off. There is a partially wooded area back of the church where they might play during the day. The property will be fenced as necessary. Their physical education consists mostly of supervised exercises. They have arranged for inspection by the Health Department and the Fire Marshal. They have leased two station wagons and the majority of the children will come in these. The children will be age 7 through 13.

No opposition.

Mr. Smith moved to approve the application of Dominion Academy, Inc. to permit operation of private school in existing church building, ages 7 through 13, maximum of 60 students at any one time, hours 8:30 a.m. to 2:45 p.m. at Olivet Episcopal Church, 6107 Franconia Road, Lee District. For grades 2 through 8. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously (4-0)

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YOLANDA HEPBURN, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit teaching of ballet lessons, maximum of 60 children, divided over a 4 hour period, on West side of Lucia Lane, North of Mt. Vernon Hwy. (Cedar Knoll Restaurant), Mt. Vernon District (R-12.5) S-401-66

Mrs. Hepburn said she had made an agreement with the owner to rent the restaurant on the day that it is closed, Mondays. She has lived in the Mount Vernon area for 10 years and has taught in the County of Fairfax Recreation Program for 7 years. Under this program she can only teach children interested in arts for 2 years and unfortunately, cannot take them into advanced techniques. No schools in the area teach advanced ballet. There are two dance schools in Alexandria -- one specializing in jazz and the other in modern dance. They have arranged carpools to the Washington School of Ballet but this is a great inconvenience to parents to send children that great distance. Students should have at least two days a week in advanced techniques. Dr. Thompson has encouraged the idea that since she started these children out, she should take them on. She could handle sixty at the most. She would like to start in the afternoon after school, dividing them into 10 to 15 students per class, from 3:00 p.m. to 7:00 p.m., two afternoons per week if possible. There are very adequate parking facilities. She would use only the first floor of the restaurant for her classes. This would meet all Health and Fire Marshal requirements.

Mrs. Henderson noted three letters from residents of Stratford Landing very much in favor and speaking very highly of Mrs. Hepburn and her activities.

No opposition.

Mr. Yeatman moved to grant the application of Yolanda Hepburn to permit teaching of ballet lessons, maximum of 60 students divided over a four hour period, west side of Lucia Lane, North of Mt. Vernon Highway (Cedar Knoll Restaurant, Mt. Vernon District, Mondays only from 3:00 p.m. to 7:00 p.m. The applicant must obtain Health Department and Fire Marshal approval. All other provisions of the Ordinance must be met. Seconded, Mr. Smith. Carried unanimously.

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TOWN & COUNTRY DEVELOPERS, application under Section 30-6.6 of the Ordinance, to permit carport 9.1 ft. from side property line, Lot 59, Section 3, Town & Country Gardens (9824 Vale Rd.) Providence District (RE 0.5) V-402-66

Mr. Radigan said the error was a surveyor's mistake in the stakeout of the lot. Stakes were placed at 21 ft. on the side line. The stakeout was made 21 ft. for the house rather than the carport as it should have been made. The carport is already constructed. This is an area where carports are almost on every house. Across the street are Myers & Hill's R-17 cluster development and the distance between this house and the next one is almost 30 ft. R-17 cluster is only 20 ft. The error was not realized until construction was completed. The Myers & Hill homes across the street have carports. Mr. France anticipates that there will be no other problems in this subdivision. All the houses are nearly completed now.

No opposition.

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TOWN & COUNTRY DEVELOPERS - Ctd.

Mr. Yeatman moved to approve the application of TOWN & COUNTRY DEVELOPERS to permit carport 9.1 ft. from side property line, Lot 59, Sec. 3, Town & Country Gardens (9824 Vale Rd.), Providence District. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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AMERICO REALTY DEPT. FORD MOTOR COMPANY, application under Sec. 30-7 .2.10.5.4 of the Ordinance, to permit operation of an automobile sales and rental lot, Lots 28 and 39, Freedom Hill Farm Subdivision, Providence District, (C-G and C-N) S-403-66

The rear of the property is zoned C-N, Mr. Fitzgerald stated. The application to rezone the C-G portion was for the express purpose of locating an automobile agency here and in all stages of it, there was unanimous approval by all concerned, and no opposition whatever. The final zoning action took place about six weeks ago. After it was rezoned, some question came up with Mr. Woodson as to the need for a special use permit to park cars outside the building. There is a provision in the Ordinance that says outside display area for automobiles shall not exceed floor area of the building in which the salesroom is located. In that particular section it does not say anything about storage of autos outside. All agencies are required to store a large number of autos not put on display. This property lends itself well to storage of autos -- it is large enough, in excess of five acres, and to store them on the tract would harm no one. There is screening all the way around the back and sides of the property. The cars would be stored well in the center of the tract. The heavy growth of trees and evergreens will remain for the most part, certainly for the 12 ft. area from the stockade fence surrounding the property. The property across Boone Boulevard is zoned residential but is in the plan for commercial uses. These cars will be some distance from Boone Boulevard and will be shielded by tall trees. He wished the application to be granted in conformity with the site plan. There will be storage for 105 autos, with a total of 180 cars on the premises. Rental of the cars will also be part of the agency's operation - they rent cars as well as sell them on a leasing arrangement.

Mr. Milton of the Ford Company stated that there would be a day to day rental operation but the major source of revenue from the dealer's standpoint is from the fleet leasing arrangements primarily because it is not economically feasible for an individual to rent a car, except on accasion. One ton trucks would be the largest on display. The heavier trucks will be located on Duke Street.

The Becor will be similar to that at Seven Corners, Mr. Fitzgerald said, basically aluminum and cinderblock. The front will be mainly glass and ornamental type aluminum.

No opposition.

Mr. Smith moved to approve the application of AMERICO REALTY DEPT. FORD MOTOR COMPANY, to permit operation of automobile sales and rental lot, Lots 28 and 39, Freedom Hill Farm Subdivision, Providence District, in accordance with site plan submitted, that the use approved will be on the C-G portion of the property only, and the C-N portion of the property not indicated on the map will be left as a buffer strip out to Boone Boulevard. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of public recreation park, west side of Hunter Mill Rd. (Lake Fairfax property), Centreville District, (RE-1 and RE-2) S-404-66

Mrs. Henderson explained that the Board wished to talk about how the Park Authority operation compares with the use permit granted to Mr. Crippen on the same property.

Mr. Mackall said the Park Authority is always happy to cooperate with other County agencies in any way it can. Before going any further, however, a brief statement of the law might be in order. Their position is that the Park Authority is an instrument of the County and as such, they believe that the use of their land comes within the definition of the County Ordinance as a public use permitted by right in all zones of the County. Therefore they take the position that even under the Ordinance they are not required to have a use permit. The Board of Zoning Appeals was established to promote health, welfare and safety of the people in the County; the Park Authority was organized for the same purposes and the Enabling Legislation and Ordinance of the County establishing the Park Authority gave it the power to regulate the uses of all land which it owns

Therefore, Mr. Mackall continued, they take the position that a use permit is not required from this Board but they would be willing to talk about it.

Mr. Smith asked if it were the Park Authority's opinion that they can violate the Zoning Ordinance and setback regulations in Fairfax County.

Mr. Mackall replied that he did not believe they were violating any regulations on setback in the County. They are given the power to regulate any facility which they own.

Mr. Smith said he did not consider the Park Authority as a government agency to begin with, but an authority set up to acquire land for recreational purposes. However, he felt that they should abide by all the same laws as an individual or group of individuals in the County. He asked if the Park Authority was aware of the setback requirements for recreational areas from adjoining property lines.

Mr. Mackall said they were not.

Mr. Bell, Director of the Park Authority, said it was not their intention to break any laws in operating any facility. When they negotiated to acquire Lake Fairfax it was thought that they would be able to acquire it several months sooner than they did. He did not know that Mr. Crippen had been ordered by the Board of Appeals to comply with certain things. Prior to discussing proper bath facilities, they had an architect on the property to draw plans for construction. They already have the first draft of the floor plan, but they did not take over the property until June 1 and by the time the architectural drawing could have been completed and construction begun, they would have been through their season. They definitely will have proper bath facilities at the camp area next year. As to the number of outdoor units at the park, he has read that there are 100 of them but his latest knowledge is that there are 20. They definitely want to comply with all Health regulations. They did decrease the number of camp sites as they said they would and will try this winter to reorganize the entire program. This summer they took it over almost immediately with a terrific financial obligation to meet. There was not enough time to reorganize it. If the citizens have problems, the Park Authority will be glad to discuss it with them, but they cannot satisfy all complaints. No one can in the County. They decreased the volume of the loudspeakers, maybe it was not enough. The train whistle has been muffled but there has to be enough noise from a running train so that if anyone is on the tracks they will be aware of the train approaching. There will be no outdoor privies in the park next year. They will also have proper screening. They could not plant in the middle of the summer, the trees would have died.

Mr. Smith pointed out that members of the Board of Zoning Appeals had spent considerable time on the property, observing lines of camping, etc. and had established a line, asking that certain screening be planted and a fence be constructed there. These are the things which bothered the citizens because they were not done. He is aware that the Park Authority did not have time to implement this program this summer and is amazed that they were not aware of the restrictions that were placed on the former owner. There must have been some lack of communication between the County Government and the Park Authority. He felt that a use permit would make the Park Authority aware of the restrictions on setback, etc. that they would have to meet and would improve administrative problems by having the Zoning Administrator help and properly give information regarding this type of operation.

This would only result in duplication of effort on the part of two different bodies, Mr. Mackall said. This Board is appointed by a judge, for the purpose of promoting health, welfare and safety of the citizens of the County. The Park Authority is appointed by the Board of Supervisors for exactly the same purposes.

Mr. Smith reminded the Park Authority that their operation is used by people other than County residents -- the operation is wider in scope than Fairfax County and probably 50% of the people using the facility are from out of the County. Certainly the Board of Appeals should administer its responsibility to citizens of Fairfax County as far as the use permit angle is concerned and they should be required to honor the ordinance, screening and setback requirements originally laid down by this Board when it was operated by an individual.

As Mr. Smith knows, she did not agree with him, Mrs. Henderson said, on the subject of whether the Park Authority needs a use permit. She did not know that they did, from the definition of commercial recreational establishment in the Ordinance and the Park Authority Act which she read, but she did think they should abide by regulations set down in the Ordinance for recreational areas as Mr. Smith has remarked, relating to setbacks and Health Department approval. Under the Park Authority Act

it seems that they have power to regulate the uses and these could be more stringent than this Board would require. This is not the Board to superimpose its authority on another Board as long as that body is abiding by minimum standards set for this operation.

Mr. Yeatman agreed. This situation had come about, he was certain, because the Park Authority had not had enough time to analyze the situation and to meet all standards of the Zoning laws. It takes time to do this.

Perhaps one valuable aspect of having them come in is that they have been made aware of regulations in the Ordinance which they were not aware of before, Mrs. Henderson said.

Mr. Bell agreed that certain features of Lake Fairfax would have to be changed and they want them changed -- they do not wish to offend their neighbors.

"Is it the Park Authority's position that a use permit is not necessary," Mr. Smith asked?

"That is my feeling", Mr. Mackall replied.

Opposition: Mrs. Eve Wright, owner of property across from Lake Fairfax on Hunter's Mill Road, said she came to the meeting when the Park Authority was acquiring the land. She heard their presentation to both boards as to what they were going to do when they acquired the land. She was assured by the Staff that they would move back from the road and do certain things but they did not do as they promised. They did not move back as far as they promised and the only screening that was done was by Johnny-on-the-spots. She said she had walked through the park and was shocked. There was trash all over the place, beer cans in the streams and it was much worse than when Mr. Crippen had the operation. They are still operating the store in the same building as the bath house. She understood that they had not had time enough to build another bath house but they could have set up some other kind of screening to keep people from seeing the campers rather than the Johnny-on-the-spots. The Park Authority should not be afraid of a use permit and if they were willing to operate under the County ordinances they would not object to a use permit. She said she had called Mr. Bell a number of times but he did not return her calls.

Mr. L. A. Bockman, 1610 Hunter's Mill Road, said the park should be tailored to requirements of County residents. Commercial camping facilities for tourists from all parts of the United States is not furthering facilities for the County residents and with respect to the impact on the community, the tourist facilities, this is not any different than the construction and operation of a 600 unit motel which would not be permitted on residential land. The attraction of use for the campers clearly increases automobile traffic on Hunter's Mill Road which is even now inadequate for the needs of local residents. Granted, tourists need facilities but this should be a matter for the regional and national parks and commercial facilities located in appropriate locations and not in a County park which, by its name, would give the impression that it was furnishing facilities to County residents.

County citizens can take advantage of all the facilities that are there, Mrs. Henderson stated.

Mr. Z. A. Seamon described himself as a camper who had stayed in many County parks, city parks, national parks, national forests, etc. but he was worried about Lake Fairfax, he said. Something should be done about the things they complained of when Mr. Crippen had the park. Screening, for example, could be done by a rustic fence. Basically, campers should be kept back quite a distance. The one way bridge at Colvin Run is a hazard in itself and someone should get rid of these one way bridges on dangerous roads. There is an added hazard when one can see the camping facilities from the bridge. He said he was appalled at the sanitary facilities in the area. Also, they are not picking up paper and cleaning the place regularly. He went in recently and interviewed several campers from other states and they were amazed that a place such as this, owned by the County, in the Nation's Capitol was so poorly run. The camping at Lake Fairfax should be controlled and he hoped that Mr. Bell would call a meeting to discuss grievances in the local area.

It seems that the Park Authority needs to learn more about camping, Mrs. Henderson said. They have not been in this business before and she hoped that the comments at today's meeting would be useful to them.

Mrs. R. F. Rogers said they build their home about four years ago because there was two acre zoning all around. They had to obtain a building permit and comply with all County regulations but Mr. Crippen's bath house was built without any permit. Then from early July to October he was allowed to operate with all these obvious violations.

There was a hearing, Mrs. Rogers continued, and they promised to screen and move back, etc. The citizens went away from the hearing feeling they had some protection and things would be run in a satisfactory manner. Now, again in August, the same thing is going on, citizens have to complain about the same things. Everyone promises that next year this won't happen. The camping should be controlled and when the site is filled, people should be sent away. It is her feeling that no one is turned away at Lake Fairfax. She objected to noise, sanitary facilities, and the very atmosphere of being able to see this all from their back yards and from the roads. She was also concerned about the traffic.

The bath house that was built without a permit was a mistake, Mrs. Henderson pointed out, and the Park Authority did not do this, Mr. Crippen did. This was one reason why such stringent restrictions were put on Mr. Crippen. She noted a letter dated July 5 from the Health Department going on record as being in favor of the application. The Park Authority Act of 1950 gives the Park Authority the right to regulate the uses of all land or facilities under their control and this might well be not to the satisfaction of the neighboring citizens - they would have to get together with the Park Authority.

Mrs. Rogers said she had stayed at many parks and there was never as much odor and as many flies as she had noticed at Lake Fairfax. There were too many people and too much noise also.

Mr. Kissner stated that he had camped all around the country -- he had seen better and he had seen worse. He felt that the park should be put in such condition so that people coming from other areas would get the kind of impression we like to leave with people. The Park Authority should not set themselves above laws that everyone else has to abide by.

Mrs. Henderson said her comments along that line were made under the present Ordinance and that does not mean that it is not possible to amend the Ordinance so it would state that the Park Authority would need a use permit.

The Park Authority has been lax in administration, especially in their camping facilities, screening and adequate toilet facilities, Mr. Smith said. The Authority has made application for a use permit and this Board has authority to offer guidelines in the form of a use permit for the park and the Zoning Administrator has the power to administer it.

Have the camping grounds been completely filled, Mrs. Henderson asked?

Never, Mr. Bell replied. They had space for 800 camp sites but they removed part of them. After their experience this summer they will probably have to reduce some more of them. They have had tentative floor plans for their permanent restrooms drawn by their their architect.

Mr. Mackall said he felt that most of the complaints were a holdover from last year. Before the Park Authority acquired the property it went through public hearings and at both hearings the statement was made that for this particular season the operation would be the same that Crippen already had and people did not see fit to object to one more year. The Park Authority has not had time to build any buildings. They don't get these complaints from other County parks. They just have not had time to correct the problems with this operation. People should not get mad at the Park Authority for things that Mr. Crippen did; it is not fair.

Mr. Bell said he had learned a great deal from the citizens. He did try to return Mrs. Wright's calls but he did not get an answer at that time. She spoke to the park manager about the Johnny-on-the-spots and they had the units removed immediately. There are 750 acres in the total park. He did not know how many camp sites they would have until after this year. They must go to the Health Department prior to any final drawings or construction of restroom facilities and they will tell them what size septic tank will be required etc. They will be happy to discuss any problems with the citizens.

Mr. Smith asked what was the highest number of people in the park, including campers?

The number exceeded 8,000, Mr. Bell said. They will take statistics during this month to determine where their participants come from and will evaluate the total operation of the park. They took it over only four days before it opened this season, and an operation cannot be changed overnight. Their prices have remained the same as Mr. Crippen's were.

Mrs. Henderson read the Planning Commission recommendation to the Board of Supervisors, stemming from their meeting of January 24 at which nine members were present out of ten, and the vote was unanimous - all in favor of the application.

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FAIRFAX COUNTY PARK AUTHORITY - Ctd.

Mr. Yeatman asked if any violations had been reported to Mr. Woodson and he said that none had been received by his office.

Mr. Smith said he felt sure that the Park Authority is capable of operating such a facility but it has been indicated that they are lacking knowledge of zoning requirements in the County. He moved that the Board take this matter under consideration and have a formal discussion with the Commonwealth's Attorney relating to this matter - as to whether the Board should require them to have a use permit. Any operation collecting money, other than community parks, he felt should be required by the Ordinance to obtain use permits. The Board should request the Commonwealth's Attorney to send his answer in writing. This could come up again on September 27.

Mr. Smith said he hoped that Mr. Bell would set up a meeting with the citizens and discuss the problems. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

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DEFERRED CASES

E. NEIL ROGERS & RUTH N. ROGERS, application under Sec. 30-7.2.6.1.3 of the Ordinance to permit operation of nursery school and kindergarten for approximately 100 children, south side of Rt. 123 across from Five Oaks Subdivision, Providence District (RE-1) S-368-66

The applicant requested to be allowed to withdraw his application without prejudice.

Mr. Yeatman moved to allow the applicant to withdraw without prejudice. Seconded, Mr. Barnes.

Mrs. Henderson voted against the motion - the application should be withdrawn with prejudice, she said.

Mr. Smith voted against the motion also. Tie vote - 2-2. Motion lost.

Mr. Smith moved that the applicant be allowed to withdraw his application with prejudice in view of correspondence directed to the Chairman. Seconded, Mr. Barnes. Carried 3-1, Mr. Yeatman voting against the motion.

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JULIE O. KERLIN, application under Sec. 30-6.6 of the Ordinance, to permit erection of a fence 6 ft. high on Cedar Drive and Douglas Drive (1114 Shipman Lane, Lot 19A, Resub. lots 19, 20, 21 and 22, Sec. 1, Braewood, Dranesville District (RE-1) V-336-66

Letter from the applicant requested deferral to September 27 as she would have additional information by that time.

Mr. Smith moved to defer to September 27 at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

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GREENE & BENNETT, application under Sec. 30-6/6 of the Ordinance to permit division of lots with less frontage than allowed by the Ordinance, and permit dwellings closer to side property lines, proposed lots 1 and 2, Greene and Bennett property, Dranesville District (RE 0.5) V-374-66

Mr. Greene presented new plats as requested by the Board at the last meeting. He said they would still need a variance on the frontage but none on the house. The white house now on Lots 1 and 2 will be torn down. He has agreed to dedicate 25 ft. of his property to the County.

Mrs. Henderson felt that it would be better to have one house on the entire property - that seems to be the character of Westerly Lane.

In view of the fact that there is another pending application in close proximity to this applicant (the Namey application), Mr. Smith said, the Board should consider both requests at the same time. Both apparently are recent rezonings.

Mr. Yeatman moved to defer to September 20, the same as the Namey application. Seconded, Mr. Smith. Carried unanimously.

In fairness to the applicant, Mrs. Henderson added, the Board should get Mr. Yaremchuk's feelings on this and it also might be a good idea to go into the history of this property and get a confirmation from the Health

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GREENE & BENNETT - Ctd.

Department as to whether they will approve two houses on these lots.

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ROBERT STEPHEN SCHEFFEE, application under Sec. 30-2.2 of the Ordinance, to permit division of lots with less width and area than required by the Ordinance, Lots 13 and 14, Hallowing Point River Estates (6036 River Drive), Mt. Vernon District

(Deferred from July 26 at the request of Mr. Stevens, adjacent property owner.)

Mr. Stevens said he purchased Lot 12 due to its location on a block of lots facing River Drive. Each lot was large. The lot next to his, Lot 13, was improved with a house which was placed on the lot and there was a good deal of distance between lots to afford more privacy. The proposed change there, adding an additional house would decrease the land area between Lots 12 and 13 as now existing. A house can be built on Lot 14 in front of the natural ravine. He said he would like to offer both ideas for consideration by the Board should they favor resubdivision of lots 13 and 14. They should require the house to be placed in front of the natural ravine to afford him some privacy when he builds on his own lot.

Mr. Smith said this would not increase the density. It is a re-arrangement to make a better situation both esthetic-wise and livable-wise.

If a house on Lot 14 were behind the storm easement, it would be in your back yard, Mrs. Henderson pointed out to Mr. Stevens.

Mr. Stevens said he plans to build his house in the center of Lot 12.

Mrs. Henderson suggested deferring action to September 20.

Mr. Mackall said the proposed arrangement would not hurt Mr. Stevens at all. A house could be placed there at the present time as the property is now laid out. They have a contingent contract which expires August 10.

Mrs. Stevens questioned the statement made by Mr. Mackall about placing the houses facing so they can see the river.

His client can see the river from his family room, Mr. Mackall said. This would not affect the Stevens' because the applicant can now build in the most objectionable spot at the present time, the rear portion, whereby if a resubdivision takes place, it might be that they can utilize the most desirable area from the adjoining property owner's standpoint.

Mr. Barnes left the meeting.

Mrs. Stevens asked that the location of the house be restricted to one particular spot on the lot.

The Board has no power to do this, Mrs. Henderson explained. They can put restrictions on a use permit, but this is not a use permit.

Mrs. Stevens requested postponement until the applicant can say exactly where he intends to place the house on the property.

This would be an injustice to the applicant, Mr. Smith said, to further defer this. After all, it has already been deferred once at the Stevens' request to allow them to be present. The applicant has to meet all setback requirements in placing this house on the lot and he will not be encroaching on any lines. He is merely utilizing his property the same as Mr. Stevens would in placing his home on his lot.

This is changing the character of the area by putting an extra lot on River Drive and one less on Carson, Mrs. Stevens said. Mr. Scheffee probably wants the extra lot on River Drive because they sell for more than those on Carson.

The fact IN JUDGING SETBACKS remains that there is no encroachment, and no request for a variance, Mr. Smith said, and he moved that the application of Robert Stephen Scheffee be approved to permit division of lots with less width and area than required by the Ordinance, Lots 13 and 14, Hallowing Point River Estates (6036 River Drive) in Mt. Vernon District, in conformity with plat by Berry Engineers dated May 2, 1962, revised June 14, 1966. All other provisions of the Ordinance shall be met. The request is made of the applicant that he make every effort to place his house or any new construction on new lot 14A as near the front facing River Drive as possible in view of the house on the lot in the rear, in front of the 20 ft. drainage easement. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Woodson told the Board that Mrs. Lorek Araujo who had had an application approved by this Board earlier in the day, had applied for an afternoon session in the school, with 50 children, from 1:00 to 4:00 p.m.

Mr. Smith felt that she should address a letter to the Board making a formal request for extension of the school.

Mrs. Henderson said the hearing could be held September 20. Mr. Smith suggested the first meeting in September as the applicant is trying to get this school started.

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Mr. Woodson presented a list of equipment which Mr. E. E. Lyons said was on his property in 1941. He said he would keep these on the property and move everything else to his industrial property nearby.

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The meeting adjourned at 6:30 p.m.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

October 21, 1966 Date

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September 13, 1966

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, September 13, 1966 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

W & W CORP. (AMERICAN OIL CO.), application under Section 30-6.6 of the Ordinance, to permit erection of service station 7.62 ft. from rear property line, southerly side of #1 Highway, approx. 700 ft. east of Fort Hunt Road, Mt. Vernon District (C-G) V-409-66

Mr. Bernard Fagelson and Mr. George Van Beesen, architect, represented the applicant, requesting a variance of 7.62 ft. Originally, the applicant contracted to buy 10 acres of land but took only the front half of the property due to tax reasons. However, there is an exclusive and irrevokable option to purchase the balance of the land. At the time the site plan was drawn up, they found out that if all of the land had been owned by these people in their own name, there would have been no problem but since there are two owners it was felt that they would have to call upon the Board of Zoning Appeals for a strict interpretation of the Code. The applicant feels that the irrevokable option is the same as ownership.

Mr. Van Beesen said they wished to hold back the distance shown on the plat in order to get better circulation of traffic between the service road and the gas pumps.

The applicant is building essentially what is a convention center, Mr. Fagelson explained. The Howard Johnson's building is up to the top floor now. Behind it will be an office building and theatre which will be used as part of the convention center. He read part of the letter from Mr. Robinson stating that he had no objections to the request. There was no original intention of having a gasoline station here but the Howard Johnson's people felt that it was absolutely necessary that it be part of the convention center. The traffic pattern in this particular area would make it very difficult leaving in the mornings to get out to a gasoline station. This station is being designed by Mr. Van Beesen in connection with Amoco and is going to be an extension of the Howard Johnson's Motel and will fit the pattern of the motel. The entire tract is zoned C-G, in a C-G complex up to the Belle Haven Country Club. It is surrounded by C-G property which is under option by the applicant. The existing construction is of brick with a black porcelain cornice, matte finish and the service station will follow the same architecture. The station could be built closer to the service road but it would come out in front of the Howard Johnson's and they do wish to develop the site properly.

A letter was read from Graham & Ogdon Insurance Company opposing the request. There are numerous service stations in the area and any new location should abide by Zoning regulations.

Mr. Smith said the stations now operating are either non-conforming or operating with variances and the application before the Board seems to be an improvement over the existing situation.

Mr. Smith moved that the application of W & W Corp. (American Oil Company) application under Sec. 30-6.6 of the Ordinance, to permit erection of service station 7.62 ft. from rear property line, southerly side of #1 Highway, approximately 700 ft. east of Fort Hunt Road, Mt. Vernon District be approved as applied for in conformity with plat submitted. The variance is being sought to expedite the development of the total piece of property which is either under ownership or under option by W & W Corporation. Granted for gasoline service station only. Seconded, Mr. Barnes. Carried unanimously.

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SIBARCO STATIONS, INC., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station and permit pump islands 36 ft. from right of way line, N. side of Rt. 236 approx. 250 ft. west of Prosperity Avenue, Providence District (CN) S-400-66

Mr. Hansbarger represented the applicant, stating that the area surrounding this property is zoned C-N with a presently existing Esso station on the Northeast corner of Prosperity and #236. This property has been zoned C-N for a long time.

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SIBARCO STATIONS, INC. - Ctd.

In May of 1960 there was another case on this same property, Mr. Hansbarger continued, and the former permit was granted with a 50 ft. addition. There was a variance to the rear of that to come 9 ft. from the rear property line. There has been a change in the Ordinance since then so that when dedicating one half of the ultimate right of way required on this side of #236, the 75 ft. building setback does not apply. This was the reason that in 1960 this was granted "due to the unusual property in the rear, noting that the line was not straight along the back of the property. The applicant has made every effort to acquire additional property without success. It is understood that pump islands may be placed within 25 ft. This is to allow the applicant use of his property."

The applicant was under the impression that #236 was a 126 ft. right of way, Mr. Hansbarger stated, and now Mr. Chilton wants a dedication back to the inside of the curb on the travel lane. This is an additional 24 ft. which will be dedicated on the site plan. Because of this provision, they do not need a variance as far as setbacks are concerned. They will screen the side to the west; the rear portion of the lot will be graded and seeded and maintained in an attractive order. As far as houses in the area are concerned, none of the houses will be affected by this station. This will be a three bay Colonial type service station with no porcelain used in it. It will be all brick. The area will be improved by the construction of this station. The dip on the property will be repaired and the road coming out from the Sibarco property would become a service drive. There is 126 ft. right of way plus 24 additional feet between this property and that across the street, with an average of 24,000 cars daily passing by, so any effect that might result on homes is already there. There are many other businesses that could go in this C-N zoning without a use permit that would be more objectionable than a service station.

Opposition: Mrs. Carolyn Motes, living across the highway about one half mile west of the proposed service station, stated that they were not notified of this hearing except by a single posting which they did not see until over the week end. The people directly behind Roadside Market on Pineland Street were not aware of this until yesterday when she phoned them. There are five different neighborhoods in the area, all opposed to the application. Possibly they would not object to another use on the property. She read a letter from the President of her Civic Association stating that there was no need for another service station. (Richard S. Clark, President of the Lee Forest Citizens Association)

Mr. Smith said he felt that a drive in restaurant or a restaurant of any kind which could go on the property would be much more offensive than a service station. A service station would not generate traffic or draw traffic from other areas, but would only serve the traffic that is already there.

Mrs. Henderson said she appreciated the desire of the citizens not to want their area turned into another gasoline alley, but it is not the Board of Zoning Appeals that does this - it is up to the Board of Supervisors, OR REZONING. She noted two other letters in opposition, one from Mr. and Mrs. Harry K. Nicholas and from Mr. John E. Parry. She felt there was some misunderstanding as this was not expanding the commercial area. This is a commercially zoned piece of land that is already there. The Board is not adding to it.

Mr. Smith agreed that the place to stop gasoline alleys is before the Board of Supervisors at rezoning hearings, not before the Board of Appeals.

As far as notification is concerned, Mrs. Henderson said, letters were sent out on August 29 which more than met the 10 day requirement, the land was posted and advertised and as long as those requirements are met, then ~~everyone~~ THE REQUIRED PEOPLE in the area have been notified.

Mr. Hansbarger felt that the citizens' fear seems to be further commercialization of #236. If there are two other applications for service stations in this area, rather than encourage the granting of those as the citizens fear, it could be that this station would leave the Board with the answer that there are already two stations in this area.

In the application of Sibarco Stations, Inc., Mr. Yeatman moved that the application be granted to permit erection and operation of a service station and permit pump islands 36 ft. from the right of way line, north side of Rt. 236 approximately 250 ft. west of Prosperity Avenue, Providence District, for a Colonial type of station as described by the applicant's attorney. All other provisions of the Ordinance will be met. There will be no porcelain used in the station. Seconded, Mr. Barnes and carried unanimously.

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September 13, 1966

LEVINE & MILLER, application under Section 30-6.6 of the Ordinance, to permit front setback variance from 35 to no less than 25 ft. on Lots 16, 30, 31, 32, 43, 48, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 76, 77, 78, 79, 82 and 86; rear yard variance from 40 ft. to no less than 25 ft. on Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, 59, 60, 63, 70, 71, 72, 77, 78, 79 and 94; minimum lot size variance from 2400 sq.ft. to no less than 2000 sq. ft. on lots 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 37, 38, 44, 45, 46, 47, 71, 72, 73 and 77; side yard variances from 20 ft. to no less than 15 ft. on all end lots; variance of maximum lot coverage from 25% to no more than 35%, variance of minimum lot width on lots 27, 28, 29, 33, 34, 35, 36, 72 and 73 on Evanston Road, Springfield Village, Mason District (R-T) V-405-66

Mr. Cotton represented the applicant.

Mr. Smith said he understood that the town house ordinance has been completed and recommendations have been made to the Planning Commission for adoption.

Mrs. Henderson stated that the requests of Levine & Miller are all within the town house cluster amendment, and there was no difference in this town house application for variance than others that the Board has granted.

The land was zoned for town houses almost a year ago, Mr. Cotton stated. The land was purchased originally for construction of a Catholic church but the property was sold after determining that the tract was not large enough. After numerous meetings with citizens in the area and after dedicating 50 ft. of land to each adjacent property owner, this induced the citizens association to favor the application. In laying out the town house development, however, it soon became evident that it would not be possible to do it within the confines of the present Ordinance. The application will meet all requirements of the RTC ordinance as proposed. These are very slight variances, none of which would be visible to the naked eye. There are 10.6 acres involved and they propose 106 town house units.

Recommendations of the new Ordinance are 20 ft. on the rear variance and the applicant is asking less than 25 ft., Mrs. Henderson said, and this is exceeding the recommendation on that. There is recommended no restriction on minimum lot size in the Ordinance. Side yards, 10 ft. on end lots is recommended and the applicant is asking for 15 ft. which exceeds that. The recommendation is 10 ft. from local streets and local thoroughfares; the applicant is 5 ft. over that. He meets the 10 units per acre and no more than 25% coverage of the total acreage.

The roads will be dedicated streets with 50 ft. right of way, Mr. Cotton said, and the town houses will sell for approximately $25,000 each.

No opposition.

Mr. Smith moved that the application of Levine & Miller be approved as applied for. This variance is another one in a long line of variances sought by developers of town house properties, which for a number of months now have had recommendations pending. It is closer now than it has been previously but is still not approved. This variance requests less than the recommendations allow that have been submitted to the Board of Supervisors for approval. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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WARREN HARDING, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 21A and 21B, Madrillon Farms, (Lord Fairfax Rd.), Providence District (RE-1) V-406-66

Mr. Harding stated that the bank would not lend enough money to build a house on his 1 3/4 acres unless he owned two lots, one of which would be security. He has owned this property since 1950 and lives in the house now on the property. If the application is granted, he will build a new house on Lot 21A and the house on Lot 21B would be torn down.

Mr. Smith said he would like to see shown on the plats the exact location of the proposed house as well as the existing dwelling, and the setbacks, etc. The side yards could very well become a problem. It is a reasonable request and if Mr. Harding could furnish the proper plats with house locations it would help the Board in reaching a decision. He moved to defer to September 27 for proper plats. Seconded, Mr. Barnes. Carried unanimously.

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September 13, 1966

JULIAN I. RICHARDS, application under Section 30-6.6of the Ordinance, to permit division of lot with less frontage and less area than allowed, proposed Lots 33A and 33B, Oliver Estates (corner of Constellation Drive and Falcon St.), Dranesville District (RE-1) V-407-66

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Mr. Richards stated that there are no sewer and water in the area. Lot 33 has been perked and there is no house on the property at the present time. 33A would take well and septic but 33B would have to wait for sewer to come up Walker Road. He would either sell this as a lot or build on it, or possibly sell for custom building. Houses in the area are in the $25,000 to $30,000 price range. Lots 21, 31, 66, 65, 64 and 34 have all been built on; Lots 19 and 20 are vacant.

Mr. Yeatman was concerned about the exact location of wells and septic. This should be shown on the plats, he felt, and said he would not vote on the application until he could see this shown on a plat.

It has been the policy of the Board in the past to have some idea of what the applicant has in mind as to construction proposals prior to division of lots, Mr. Smith said, and unless the applicant can utilize these lots it does not seem to be any point in granting the application at this time. If the applicant intended to develop this himself, and had some plans as to general size of the house, and could locate the house on 33A, he would be more inclined to consider this. But to come in with no plans and no approval from the Health Department in connection with this particular application, he could not consider the application favorably at this time. He could not vote for resubdivision of the lot without any thought of how it was going to be used with the situation being that no one knows when water and sewer are going to be there. The Board might be taking one buildable lot and making two non-buildable lots by granting this application.

Mr. Hawksworth stated that one of Mr. Richards' lots would probably be a buildable lot because it would be exactly the same as his own lot on which his home is built. However, his objection to the application, without being personal, is that Mr. Richards has not proved himself to be a good neighbor. This particular lot is overgrown with weeds and everyone dumps trash there. It is not being cleaned and is an unsightly sore thumb in the middle of their neighborhood. He was afraid that one of the proposed lots, the one that is now an eyesore, would remain so for a matter of 6 to 8 years while waiting for water and sewer to come in.

Mr. Richards said he had owned the lot for 1 1/2 years and did own other lots. He has built in the area on 1/2 acre lots.

Mr. Smith suggested that Mr. Hawksworth contact the Health Department on the weed cutting ordinance.

Mr. Yeatman moved that the application of Julian I. Richards, application under Sec. 30-6.6 of the Ordinance, to permit division of lot with less frontage and less area than allowed, proposed Lots 33A and 33B, Oliver Estates, Dranesville District be approved, and that all other provisions of the Ordinance be met. There shall be no further variances on any buildings on either of these lots. Seconded, Mr. Everest. Carried 4-1, Mr. Smith voting against the motion because he was afraid this would create two non-buildable lots.

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CARROLL NORFOLK, to permit erection and operation of a self service station, NE corner of Beulah Road, Rt. 613, and Hayfield Road, Rt. 635, Lee District (CN) S-408-66

Mr. Norfolk stated that they propose a small neighborhood type of self service gasoline station next to the small grocery story which is on the property now.

In the past, Mr. Smith said, these self service stations have not been satisfactory and he would like to hear from the Fire Marshal on this. If there were an attendant on the property at all times, it might work out but it could become a problem without one.

After checking with the Fire Marshal by phone, Mr. Woodson reported that self-service gasoline stations are prohibited.

Mr. Smith moved to defer to October 11 to allow the applicant to work out plans for the construction, size, etc. of the building. Seconded, Mr. Everest. Carried unanimously.

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September 13, 1966

GEORGE F. DODD & ASSOCIATES, application under Sec. 30-7.2.1.3 of the Ordinance, to permit operation of rock quarry on 29.83 ac. of land, on Alban Road, Mason District (RE-1) S-410-66

Mr. Cotton represented the applicant. This is one of the most heavily concentrated industrial centers in the County, he stated, and is surrounded by trees. There are two small gravel pits operating in the area and many industrial uses. Vehicular access to this property would be via unbuilt right of way across the Accotink to Alban Road. There is a present and growing need for this type of raw material for industrial development, particularly for the development of roads in this growing County. Rock that can be used must now be hauled from Centreville or Woodbridge. This is in a convenient location and would interfere with very few citizens. Trucks leaving here would pass no school buses, children or residences -- nothing, except a few industrial developments. The property is surrounded by industrial uses except the property itself is zoned RE-1, but unquestionably is an industrial area. The Board has had applications for renewal of the rock quarry permits, and eight years ago there was another application for a rock quarry which was granted on land nearby but it was never utilized. Nevertheless, this Board granted that permit and at that time thought this was a suitable location for quarrying. The reason that it never developed is that there was an insufficient demand for the material. The techniques of blasting which is an integral part of quarrying have been so substantially improved over the past few years insofar as sight, sound and minimizing of shock that it is hardly noticeable outside the property itself.

This is a 30 acre tract, Mr. Cotton continued, located in an area designated as a Natural Resources zone. The Board could grant a permit to remove and treat gravel in this location, and the most intense type of gravel removal activity could be permitted in this zone. In order to remove rock from a quarry, however, different steps are required than those of ordinary gravel pits. It does require blasting. Modern blasting techniques have reduced the loud noise usually associated with rock quarries. The charges are inserted in the ground in deep holes. They are exploded not simultaneously, but with a difference in milli-seconds and the resulting noise as indicated by experts would mean that one could stand on the edge of Shirley Highway with passing traffic and probably could not hear the blast from this property. It will be necessary to blast on the average of once per week; it could be that occasionally, twice a week might be necessary. Modern blasting techniques also means less dust. The shock of blasting on adjacent areas can be minimized so that with a blast in the center of this 30 acre tract, it would not be felt beyond the confines of this tract. The operator is required to carry insurance up to $3,000,000 in the event that there should be any damage. All blasting will be controlled by experts.

Mr. Smith referred to the permit which Mr. Cotton said had been granted eight years previously. The area has changed tremendously over the years, he stated, and the fact that a permit was granted in the immediate vicinity and was never utilized could mean that there was not sufficient rock in the area to warrant the quarrying operation. Also, that quarry operation is in an industrially zoned area.

It was zoned Industrial subsequent to that permit, Mr. Cotton stated. Tests have been run which have established the fact that there are commercial grades of rock and quantity here. These tests were run by seismograph; they have not yet taken borings. There are no nearby dwellings -- they are all out of sight, sound and smell of the proposed operation. It would take 20 years to quarry the entire piece under present day demands.

In answer to Mr. Yeatman's question on restoration plans for the property, Mr. Cotton replied that the County does not have a requirement for restoration as in the case of gravel pits. It does require that the property be fenced. In some locations the overburden runs from 0 ft. to 30 ft., varying from 0 ft. to 12 ft. but on either side of the stream valley there is approximately 30 ft. of overburden that will have to be removed. This overburden will be used initially for the interchange now being prepared for construction at the Pentagon. There is a demand for fill dirt which is difficult to meet now. All of the overburden will be sold for fill purposes. This is intended to be a 6 acre project to begin with and will take some time to mine out the 6 acres. The overburden from that will be transported to projects along Shirley Highway.

Where will the wash water from this stone go, Mr. Yeatman asked?

The stone is not washed, Mr. Cotton answered. The water is only used for purposes of dust suppression. Water has to be held in retaining ponds in order not to silt the Accotink. Steps will have to be taken to remove the silt in siltation ponds, according to the Ordinance.

Mrs. Henderson asked if they had contacted Fort Belvoir to see if there were any objections to this operation. Mr. Cotton's answer was - No.

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GEORGE F. DODD - Continued

Mrs. Henderson felt that a letter from the Commanding Officer might be advisable. There might be some delicate instruments at Belvoir which could be disturbed by the shock waves that would result from the blasting.

Mr. Smith felt that the application should have been discussed with those in charge of the tank farm; he did not wish to create an unsafe condition.

Mr. Robert Brandt of Atlas Chemical Industries described blasting techniques in quarry operations such as this, noting that in some instances blasting is done satisfactorily closer to homes and factories than this would be. Blasting has become a fine art; they have technical specialized men handling it today. Great strides have been made which means that blasting is not as hazardous as it used to be.

Mr. Myron Davy, a resident of the southern part of the County, stated that in his early manhood he was a working mining engineer in deeplock metal mining and he agreed with statements that had been made on blasting. He felt that with the 30 ft. depth of overburden and possibly 60 ft. depth of rock, the applicant is getting down to pretty much the limit of what he could possibly economically stand. This is lovely country and he would hate to see it taken over by such operations. He felt that the Board should see such a thing in operation before making a decision on the application.

Mr. Smith felt that this application was primarily one to take dirt out of the ground to sell and if this is true, he did not see how the Board could turn down other requests to do the same thing if this application is granted - the Board would permit applicants to dig tremendous holes in the earth and disposing of the overburden. Unless he could be convinced that there is more rock there than he has heard about today, he would not wish to vote favorably on the application, he said.

Mr. Stubbs, employee of Alban Tractor Company, commented on the blasting at Fort Belvoir, and said sometimes it sounds as if they are coming into the office. There is only one access to the property off Route 95, and that is the interchange at the oil tanks. To get from Rt. 95 to Alban Road is difficult even for automobiles and would be even more hazardous with large trucks. Can Alban Road support this traffic? There are only a few cars and trucks going back and forth there now. Will this be an unsightly area during the time of its operation and after it is done? Will it be hidden from the road? What will be the result to other industries moving into the area? Will it encourage other industry or discourage it from coming in?

Mr. Edward Petros recalled that when the Cranford tract was rezoned by the Board of Supervisors, it was decided that they did not want to use this road for industrial use, thus they required the applicants to build a new road across the Accotink and to proceed easterly away from Alban Road, and that was contingent upon rezoning the Cranford tract to light industrial. Springfield has taken a tremendous beating already and the Board should help Springfield not to be a junky area. This operation would create dust and noise. The industrial road requested by the Board of Supervisors was to be a special road to come across a bridge, across the Lynch property, connecting with Tyler Road. 137 acres of the Cranford property was rezoned for light industrial and a bridge has been planned for two years. On his own property, Mr. Petros said the soil and rock is the same as in this application, and they do not have to make a sharp turn to get out, and if this is the type of development the Board wants in this area, he will be glad to go in and compete. However, he felt that development of such an operation should be kept away from a very valuable interchange.

Mr. Robert Bodine, neither for nor against the application, felt that the Board should ask Mr. Cotton about his plans for crossing the Accotink. Also, on the blasting, since he lives in West Springfield, his neighbors have basements blasted from granite and the blasting at Fort Belvoir disturbs them very much, the Board should be very concerned about another series going on in the County for 20 years. They should have someone else's opinion besides Mr. Cotton's that everything would be fine. This operation would scare away many research and development firms that might like to locate in this area. Also, five miles away from the proposed operation is the Washington Gas Light reservoir and he did not want to see anything happen to that structure and have gas seeping into his basement to blow his home up.

Mr. Cotton said he was not adverse to having the matter deferred in order to obtain further technical information.

Mr. Smith requested that a letter be obtained from the Commanding General at Fort Belvoir stating that they have no objection to the operation;

also some indication as to the reaction of the owners of the tank farm. The Board would like to have a study by someone with written assurance that there will be no pollution of the Accotink Creek; that the dust will be controlled; the size of the crushers, etc., and plans for crossing the Accotink. There should also be a report from the County Soil Scientist indicating to the best of his knowledge the extent of the rock deposits in this immediate vicinity and how far this rock vein might run through this portion of the County, and indicate to the Board whether he feels that this operation without the sale of overburden to be removed from this property would be a profitable one. Could they retain the overburden as a fill and still get a profitable operation from the stone quarry itself? Also, the maximum depth from the ground level the applicant proposes to quarry or mine.

Mr. Everest added that he would like to know the exact boundaries of the quarrying operation.

Mrs. Henderson recalled that in 1958 there was testimony given on the Cranford rezoning that the borings had showed good rock -- that would be in the minutes.

Mr. Cotton said Mr. Dodd would have to contribute to the cost of building a road over the Accotink to State specifications, then all traffic from this area would be via the road over which Mr. Petros spoke. It will be constructed totally at the cost of owners in the area - the State and County will not contribute anything. The bridge will be very expensive and the landowners have not been able to accummulate enough money to build the road and bridge at this time.

Mr. Everest moved to defer to October 11. Seconded, Mr. Yeatman. Carried unanimously.

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MYRON DAVY, application under Section 30-7.2.3.1.1 of the Ordinance, to permit operation of private cemetery on private road south of High Point Road, Mt. Vernon District (RE-1) S-411-66

Mr. Davy explained that he was the owner of 245 acres and he wished to have a private cemetery immediately adjoining his residence in which he has lived for 25 years. 10 years ago, he investigated this idea and had his engineer draw up the plans, and it was put on record September 27, 1956. They have kept the grass trimmed and have some very nice fruit trees growing there. It has never been used as a cemetery. The lot is 100 feet square and there is no residence closer than 1 1/2 miles.

No opposition.

Mr. Smith moved that the application of Myron Davy to permit operation of a private cemetery on a private road south of High Point Road in Mt. Vernon District be approved as applied for, subject to a letter from the property owner (Mr. Davy) granting permission for this private cemetery to be located within the 250 yards as required by State regulations. This is to be utilized by the owner or heirs and relatives of the owners. Granted in conformity with plat submitted and layout submitted. This covers a parcel of land 100 x 100 ft. and this is part of the homestead or residence of the applicant. Seconded, Mr. Barnes. Carried unanimously.

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BAYSIDE DEVELOPMENT CORP., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 14.89 ft. from side property line, Lot 151, Harbor View, Mt. Vernon District, (RE-2) V-412-66

Mr. John R. Kirks, surveyor, said he had made a mistake which resulted in the filing of this application. He has been a surveyor for the past 37 years and this is the first one that has caught up with him. He made a mistake in staking out the house. The house has been completed exactly the way it was staked out.

No opposition.

Mr. Smith moved that the application of Bayside Development Corporation, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 14.89 ft. from side property line, Lot 151, Harbor View, Mt. Vernon District be approved as applied for. The engineer admits that there was an error on his part in staking out the house and that no one else contributed to it. This is granted under the mistake clause of the variance section of the Ordinance. All other provisions of the Ordinance must apply. Seconded, Mr. Barnes. Carried unanimously.

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September 13, 1966

McLEAN SHOPPING CENTER, application under Sec. 30-6.6 of the Ordinance, to permit erection of open garden shop for Giant Food Store closer to Ingleside Ave. than allowed, Block 1 and part Block 2, Ingleside Subdv., Dranesville District V-413-66 C-D zoning

The shopping center is built at right angles to Route 123 and Ingleside Avenue, Mr. Kaul explained, and at an askew angle. The result is that by building this 100 x 30 ft. proposed open garden shop which will be an extension of the Giant Store, at the front end of the addition will be over 100 ft. of setback from Ingleside, and at the rear only 67 ft. This would be used only in the summer months. The shopping center was built in 1959 and occupied about the first of December 1959. The addition would not interfere with the operation of the shopping center in any way.

Mrs. Henderson suggested moving it up toward the front so the variance would not be as much.

The setback from the main front of the building sets it off and makes it much more attractive, Mr. Kaul stated, and also there is an existing tree that has to be fitted into the landscaping. If Ingleside were not at right angles with #123 this condition would not arise. They hope to have construction completed by April 1967.

No opposition.

Mr. Yeatman moved that the application of McLean Shopping Center, to permit erection of open garden shop for Giant Food Store closer to Ingleside Avenue than allowed, Block 1 and part of Block 2, Ingleside Subdivision, Dranesville District be approved due to the irregular shape of the lot and the topography of the land. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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KEMBO, INC., application under Section 30-6.6 of the Ordinance, to permit porch to remain 48.9 ft. from Clem Drive, Lot 22, Section 4, Twin Oaks, Mt. Vernon District (RE 0.5) V-414-66

Mr. George Foard represented the applicant. This condition came about due to the fact that when they prepared the stakeout on this particular house and communicated with the supervisor on the job, they had been given these dimensions of the main part of the house from which to work and until they got the final house location survey, they did not know that a porch had been added to the house. The proposed house location did not show a porch. This was primarily due to poor communication between the engineers and the owner's representative. The request concerns only a corner of the porch.

No opposition.

Mr. Smith felt that this was a very minor error but such situations are continually of concern to the Board. There must be found some way to alleviate these problems of poor communication between builders and surveyors. However, the particular application merits favorable consideration, therefore he moved that the application of Kembo, Inc., application under Section 30-6.6 of the Ordinance, to permit porch to remain 48.9 ft. from Clem Drive, Lot 22, Section 4, Twin Oaks, Mt. Vernon District be approved as applied for. There is no evidence that this would adversely affect any other houses in the subdivision or adjacent property owners. Mr. Foard has stated that this is the only mistake in the entire subdivision to his knowledge. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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LORE K. ARAUJO, (SYDENSTRICKER SCHOOL), application under Section 30-7.2.6.1.3 of the Ordinance, to permit afternoon session of private school from 1:00 PM to 4:00 PM five days a week at 8508 Hooes Road, Mason District (RE-1) S-426-66

Mrs. Araujo stated that she was granted a morning session for her school on August 2. This application is for the same thing, to be allowed in the afternoon. The adjoining neighbor has allowed them to erect a fence on the side of the church so the children could have play space on the side and would not have to cross the street at all. The school was started a week ago. The Community League space will be used for parking.

Mrs. Henderson pointed out that the Community League property was not a part of the permit that was granted.

Mrs. Araujo said they could park on the church grounds if necessary. They only park two cars. They have one station wagon and one bus for transporting the youngsters to and from school. Mrs. Araujo drives one and there is one other driver. There would be 50 children in the afternoon session, from 1 to 4 p.m., four and five years of age. Total enrollment would be 100 students, no more than 50 students in any one session.

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LORE K. ARAUJO - Ctd.

No opposition.

Mr. Smith moved that the application of Lore K. Araujo, (Sydenstricker School), application under Sec. 30-7.2.6.1.3 of the Ordinance to permit operation of afternoon session of private school from 1:00 p.m. to 4:00 p.m., five days a week at 8508 Hooes Road, Mason District be approved as applied for. This is actually an amendment to a granting of an application for a day session on August 2, 1966. This enlarges the school to two sessions -- morning and afternoon sessions. All sections of the Ordinance pertaining to private schools in this category will have to be met. There will be no more than 50 children on the property at any one time. Cars may park across the road on church owned property. Seconded, Mr. Barnes. Carried unanimously.

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HOWARD WICKERT - The applicant's attorney requested that he be allowed to withdraw the application for trailer rentals.

Mr. Smith moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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McLEAN RACEWAYS - A letter from the applicant requested permission to remain open to 11 p.m. six days a week with Sunday hours to remain the same as they are turning away from 10 to 15 people per evening as it is now.

If this were purely an adult activity, Mr. Smith said he would not object to their remaining open later but this is a teen age operation and this is why the Board set the hours as they did.

Mr. Everest moved that the request be denied. Seconded, Mr. Smith. Carried unanimously.

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Mrs. Lawrence Ryan re E. E. Lyons Construction Co. at Tysons Corner: Mrs. Ryan said she had received a letter from Mr. Woodson with a list of equipment which Mr. Lyons said he had on the property in 1941, however, the large trucks were still on the property. Mr. Smith said the Board should look at the property.

Mrs. Henderson asked Mrs. Ryan to check further on the statement which she had made regarding Mrs. Bradley's comments that the equipment would be moved from the Tyson's Corner land to Mr. Lyons' property at Daleview.

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FIRST BAPTIST CHURCH OF SPRINGFIELD - Request to enlarge school by adding a four-year-old day school, 3 hours, five days per week, for 60 children. This would be a total of 120 children for two sessions.

Mr. Smith moved to grant the request since the Zoning Administrator has had no complaints. Seconded, Mr. Everest. Carried 3-2. This will increase the enrollment to 120 students total; 60 in the morning session from 8:45 to 11:45 a.m. and 60 in the afternoon session, from 12:15 to 3:15 p.m., for four and five year olds. No more than 60 students per session. The applicant should send a letter to the Zoning Administrator indicating that they meet all parking requirements of the Ordinance. Carried 3-2, Mrs. Henderson and Mr. Yeatman voting against the motion as they felt there should be a new application.

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The Board agreed that all private schools should file an application if they wish to extend their use, regardless of sponsorship.

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WESTMINSTER SCHOOL (Mrs. Goll) - The applicant should file a new application because she is asking for more than double the enrollment that was permitted, and also because there have been complaints registered against the school.

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Interpretation of Ordinance, Section 30-3.13.2.3, page 34:

On the letter addressed to Mr. Woodson from Mr. Hitz of the law firm of Boothe, Dudley, etc., Mr. Smith moved that the Board uphold the Zoning

September 13, 1966

Interpretation - Ctd.

Administrator's decision and his interpretation of the Ordinance in relation to the sign ordinance, and to be more specific, the particular sign which Mr. Hitz speaks of, this being a sign to advertise a parcel of land 1/2 or one mile away from the site of the proposed sign, this being what the Board would interpret and apparently the interpretation of the Zoning Administrator that this would be a form of outdoor advertising and not intended under the Ordinance. The Board interprets "such real property" to mean the property on which the sign is located. Seconded, Mr. Everest. Carried unanimously.

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The meeting adjourned at 5:20 p.m.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

October 21, 1966 Date

A special meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, September 20, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

The application of KIWANIS CLUB OF McLEAN was put at the end of the agenda to allow the applicant's representative to obtain his letters of notification.

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MULTIPLE LISTING SERVICE OF NORTHERN VIRGINIA, INC., application under Section 30-6.6 of the Ordinance, to permit erection of a building 2.5 ft. from side property line, NE corner of Arlington Boulevard and Javier Road, Falls Church District (C-O) V-421-66

Mr. Paul Heubusch, attorney, stated that the property was rezoned to C-O this past spring. The Board of Realtors plans to erect a building to be used as their headquarters in this location. They are presently leasing an office at Seven Corners. When they negotiated to purchase the property the sketch showed the property to be of rectangular shape, however, when the title work was done, it immediately became clear that the property was not rectangular shaped, but parallelogram. The Board of Realtors purchased the property and plan to erect a 76 ft. x 51 ft. building, 31 ft. high. The property is bounded on the north and east sides by residentially zoned land but the area is rapidly becoming an office building area. Several property owners in the immediate vicinity have listed their property for sale contingent upon C-O zoning. Mr. Reed, whose property is located to the east of this property, has stated that he has no objection to the request. The Planning Staff has proposed almost all of the area for commercial use in their plan for the area. They will dedicate 10 ft. for widening of Javier Road. They have tried many times to fit the building on the property but it cannot be done without a variance.

Mrs. Henderson suggested building a parallelogram-shaped building, however, Mr. Heubusch said they had considered this and their architect told them that it would mean that all of the interior walls would come together at an angle and they would lose much valuable space.

Mrs. Henderson said the applicant could construct a smaller building on the property and would not need a variance.

In this case, Mr. Smith said, he did not think that the irregular shape of the lot had any great bearing on the case. The problem seems to be in erecting a larger building than the lot will take. Perhaps underground parking might be the answer.

If the Reed tract were zoned C-O or in the Master Plan for C-O, Mr. Everest said he would give the case some consideration - however, the Board cannot surmise that this is going to be rezoned or even be included in the Plan for C-O.

No opposition.

Since Mr. Yeatman is a member of Multiple Listing, he said he would abstain from voting.

Mr. Smith suggested that the applicant give this more study and try to work it out. The request is an unreasonable one, the building is far too large for the lot.

Mrs. Henderson was reluctant to granting any variances along Arlington Boulevard, an area that is just beginning to develop into an office building zone. The applicant could acquire more land or cut down on the size of his building, or if the Reed property is in the Master Plan for C-O zoning, the setback requirements could be negated.

In view of the circumstances surrounding the area and because the Planning Commission is working on a Master Plan, Mr. Smith moved to defer the application for 90 days or until such time as the applicant has come up with a more reasonable approach or new evidence, giving him an opportunity to come back in a reasonable length of time after that if he has a more reasonable approach. Seconded, Mr. Barnes. Carried 4-0, Mr. Yeatman abstaining.

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September 20, 1966

ROSS A. HAWORTH, application under Section 30-6.6 of the Ordinance, to permit additional lot in Darwin Heights reducing required average in overall subdivision, proposed resub. of Outlot A, Annalee Hgts. and Lot 22, Darwin Hts., Falls Church District (R-10) V-430-66

Mr. Haworth explained his proposal to take approximately 6,500 sq. ft. out of Lot 22 in Darwin Heights and add to that Outlot A of Annalee Heights, to make two lots. 22A would be a new lot. 22B has an existing dwelling. Both lots would be over 10,000 sq. ft. in area, however, by adding the additional 3,800 sq. ft. from Annalee Heights and dividing the total lot area in Darwin Heights, it would bring the lot size down about 2,000 sq. ft. or 2% below the average in Darwin Heights. There are fifteen lots in Darwin Heights now which are below 10,000 sq. ft. in area. The lots in the application would meet all setback and other requirements; no other variances would be required. Curb and gutter and storm sewer are installed. Entrance to the lot with the existing dwelling is via Darwin Drive; entrance to the new lot would be from Kenfig Drive. This will improve the use of property in the area and add another dwelling to the tax rolls. The subdivision was built around 1954. There is a hedge across the front of the outlot and another hedge on the line between the Annalee Heights lot and the outlot. He understood that Mr. Seigman, living next door, has been taking care of the lot and keeping it clean. If the application is granted, it will clear up the trash on the treeline between the outlot and Lot 22 and the unsightly storage shed now on the property would be removed.

Apparently the reason for leaving 17,000 sq. ft. in the one lot was to bring the average up to meet subdivision requirements, Mr. Smith said. This will affect the minimum lot size in Darwin Heights and there are many other such situations in Fairfax County - if the Board grants this request there will be many others.

Mr. Joseph G. Principato, owner of Lot 21, stated that ten people were present in opposition. If the application is granted it will result in two irregular shaped lots and would be detrimental to the community. Part of the property in Lot 22A has been part of the yard of the existing house on Lot 22 and contrary to statements made earlier, that lot is not a place for trash to collect. It is not an unsightly area. It is true there is a storage shed on the property but it has not become an eyesore to the community and as to the trash in the yard, it was left when the previous tenants moved out last month. The house is for sale and Mr. Haworth has a contract to purchase it.

Mr. Seigman stated that he was under the impression that he paid for the outlot when he purchased his property in 1950 - he paid $300 more for this particular piece of ground but it was not recorded. He still considers that his property. He took care of it, cleaned it, planted trees and hedges, and now Mr. Haworth is threatening him with a damage suit.

Mr. Burles of 6801 Kenfig Drive discussed the traffic situation in the area. With the corner in its open position as it is now, it gives good sight distance but a house would obstruct the view and add to the already dangerous situation. The Seigmans have always maintained that lot and it is a beauty spot. The people who lived in the existing house also maintained their lot very well and in his opinion, another house would further congest the area and depreciate property values.

Mr. Haworth said that Mr. Seigman's attorney had told him that he had found no evidence in searching the title that the property belong to Mr. Seigman. Mr. Haworth's attorney also searched the title and found no evidence.

Several Board members expressed a desire to view the property. Mr. Yeatman moved to defer to October 11 for decision only. Seconded, Mr. Barnes and carried unanimously.

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NELSON O. POHL, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 8 ft. from side property line, Lot 24, Mt. Vernon Park, (4318 Robertson Rd.), Mt. Vernon District (RE 0.5) V-385-66

Mr. Pohl stated that he wished to erect a carport for two cars, a storage shed and place to store his tools. His lot is relatively flat, sloping some toward the east. He did have a garage at one time but he converted it into a recreation room. A 10 ft. carport which would be allowed would not be large enough, and he did not care to have a 60 ft. long tandem style carport as suggested by Mr. Smith. The Olsons, next door, have complained about drainage onto their property and if a carport were constructed in the rear of his house, this would create more of a drainage problem.

Mr. Smith pointed out that the Board did not have authority to grant relief in cases where applicants can construct a carport on the property without a variance. There are many people in the County with

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NELSON O. POHL - Ctd.

two cars and only one carport and the Ordinance does not permit building for one's convenience.

Opposition: Mrs. Harriet Olson, Lots 24 and 25, said they have a split foyer home and her bedroom windows are below the driveway level of Mr. Pohl's home. There has been a water situation which they have relieved by diagonally draining back into their yard. Their suggestion was that Mr. Pohl go behind his house with a double carport and she realized that this was not as easy to do and probably would not look as well but she was concerned about having a water problem on both sides of them as their other neighbors also want a carport so they must object to both.

Mr. Smith moved that the application of Nelson O. Pohl, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8 ft. from side property line, Lot 24, Mt. Vernon Park, 4318 Robertson Rd., Mt. Vernon District be denied. This does not deprive the applicant of reasonable use of his land. He can still construct a carport on the property in the location he most desires without a variance. There is also a very suitable area on the lot available for construction of a double carport with necessary storage shed that the applicant desires. This does not meet the minimum requirements set up by the Ordinance for variances. Seconded, Mr. Barnes. Carried unanimously.

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The JOSEPH P. BAKER case was moved to the end of the agenda as there was no one present to represent the applicant.

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Mr. NELSON L. CASTNER had not sent out required notices within the legal time limit. Mr. Smith moved to defer to October 25 for proper notices. Seconded, Mr. Everest. Carried unanimously.

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HILDE R. CHERNY, application under Section 30-7.2.9.1.1 of the Ordinance, to permit operation of a kennel for toy poodles and permit runs closer to side property lines than allowed, Lot 10, Section 1, Wiley Subdv., (10331 Belmont Blvd.), Lee District (RE-2) S-431-66

Mrs. Cherny stated that she has four dogs at present, and although she does not intend to have a kennel as such, or to board dogs, eventually she might like to have more than four dogs for herself. This is her hobby. The house she plans to buy does not have a basement so she will use the outside building for the dogs; each dog will be separate from the others, and each should have a small run. These are very small dogs, they are toy poodles. It has been hard to find a large lot, she has been looking for a long time.

Mrs. Henderson noted the specific requirement in the Ordinance that all kennels must be 100 ft. from all property lines.

In view of the Ordinance requirements, Mr. Smith suggested that Mrs. Cherny try to find more land. This request is for an 86 ft. variance.

No opposition.

Mr. Barnes moved to defer the application to November 22 to allow Mrs. Cherny an opportunity to investigate the possibility of leasing or buying more land in order to meet the 100 ft. setback. Seconded, Mr. Yeatman and carried unanimously.

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HAROLD M. SHAW, JR., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool and bath house for day camp, property at 11700 Leesburg Pike, North side of Leesburg Pike opposite Sugarland Road, Dranesville District (RE-1) S-432-66

A permit was granted to them April 24, 1962 for a day camp, Mrs. Shaw explained and they wish to extend the permit to allow a maximum of 150 children, to start at 9 a.m. to 4 p.m., five days a week, for ten weeks during the summer. The pool would be approximately 30 x 75 ft. and the boys and girls would be from age 5 through 14. They will meet all Health Department requirements. The barn which is used for camp activities will be located in front of the swimming pool. The pond on the property is used for boating and fishing. There is no public water or sewer in the area so they will probably have to dig an additional well.

No opposition.

Mr. Smith moved that the application of Harold M. Shaw, Jr., application

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HAROLD M. SHAW - Ctd.

under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool and bath house for day camp, property at 11700 Leesburg Pike, north side of Leesburg Pike opposite Sugarland Road, Dranesville District be approved as applied for, in conformity with plat submitted. This is an extension of permit granted to the applicant April 24, 1962 to permit operation of summer day camp, assuming that all provisions have been met as laid down at that time, with a limitation of 150 children, ages 5 through 14, hours of operation 9 a.m. to 4 p.m., 10 weeks during the summer months. It is understood that the applicant must meet all Health requirements, both County and State, in connection with the installation and operation of the pool itself. The BZA will recommend that the Staff recommend to the B/S if they see fit to act favorably on the waiver of the site plan. Seconded, Mr. Barnes. Carried unanimously.

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ST. FRANCIS CHURCH, application under Section 30-6.6 of the Ordinance, to permit temporary use of trailer for 3 years for Sunday School, said trailer to be closer to side property line than allowed, North side of Georgetown Pike approx. 600 ft. W.of River Bend Rd., Dranesville District (RE-2) V-433-66

Mr. Henry Mackall stated that the Church wishes to put a 40 ft. trailer on the property. There is a distance of 50 ft. between the barn which is used as the chapel and the side property line. They propose to place the trailer at right angles to that which will jam it up right next to the line. Mr. Shands, adjoining property owner, has sent a letter stating that he has no objection to the trailer being on the line, or over the line a little if necessary. Mr. Shands owns more than 100 acres and lives to the north-east of the church property. This land is owned by the church and the chapel is now in the barn on the property. The church building will be erected on the hill. Water and electricity is already in the chapel and they have classes in the barn. To move the trailer up farther would mean that they would have to change the water and electricity supply.

Mrs. Henderson suggested putting the trailer behind the barn, in line with the silo, but Mr. Mackall said their entrance is there. The church was formed two years ago and has been in this building for a full year.

No opposition.

Mr. Smith moved that the application of St. Francis Church, to permit temporary use of trailer for 3 years for Sunday school, said trailer to be closer to side property line than allowed, north side of Georgetown Pike approximately 600 ft. west of River Bend Road, Dranesville District be approved as applied for, in conformity with plat submitted; that if the mission is not able to construct a church within the three year period indicated, the Zoning Administrator may extend from the three years if there have been no objections from adjoining property owners. All other provisions of the Ordinance must be met. The Board will recommend that the Staff take a good look at this and hopes that a favorable request will be made to the Board of Supervisors to grant site plan waiver. Seconded, Mr. Barnes and carried unanimously.

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance to permit operation of private school, kindergarten thru 5th grade, ages 5 - 11; 5 days a week, hours of operation 9 a.m. to 3 p.m., property at 8617 Old Mt. Vernon Road, Lots 4 and 5, Block 14, Mt. Vernon Hills, Mt. Vernon District (R-17) S-435-66

Because of difficulties which her builder has run into in securing a building permit for the school which was to be built on the property which now has the special use permit granted for Kenwood School, Mrs. Frazer said they could not proceed at this point until the site plan problem has been resolved. This property in the application, adjoining the site which has the use permit, was secured from Mr. and Mrs. Twigg to be used for the school temporarily until problems can be resolved on the adjacent site and the new school can be built. This is a brick rambler with full basement with rooms large enough to be converted into classrooms. The Plymouth Haven Baptist Church has extended her occupancy there to December 1 temporarily and she must move from there very quickly. This property has entrance from Old Mount Vernon Road and is easily accessible onto Curtis Avenue so her traffic would not come out onto Old Mount Vernon Road but rather, Maryland Avenue. She has reduced her enrollment to less than 2/3 as there was not enough space in the house to house the full registration adequately. She has been holding classes in the Plymouth Haven Church since September 8. There are no drainage problems on this lot as it is higher than the adjoining lot. There will be very little remodeling done - probably only the removal of the two closets to make more classroom space which she has already done. She needs to be in this building at least for the full school year as it would take that long to get plans approved for construction of the new building.

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MILDRED W. FRAZER - Ctd.

It is not feasible to have this as a permanent operation - it cannot be successful financially with 60 children but that is the maximum number she can have in this house.

Mrs. Juanita Bess represented the Mount Vernon Farms Civic Association in opposition. They were organized this summer, she said, and have a membership of 129. She presented a petition opposing the application with 75 signatures, and 13 letters from others in opposition. There was a great deal of opposition before when a new building was contemplated, she continued, and now the use of a single family house for a school is very much opposed. The house is not large enough; the driveway to the house is steep and parents dropping off children or picking them up will cause severe traffic hazards, there being no shoulders on the road on which to stop. This would have traffic coming and going from it at the same hours as the public schools. Curtis Avenue is only a 12 to 15 ft. wide gravel road, leading onto Maryland Avenue which consists of about 20 ft. of blacktop. These roads are not adequate to serve a proposed school - it is hazardous for two cars to pass at the present time. The Association asked for assurance that this would not become a permanent operation in this location if the application is granted. This location is worse than the one that was approved for the school, from the safety standpoint, its nearness to adjoining property, and from the traffic pattern that will develop. This is squeezing the maximum number of children into minimum space.

Mr. Wakefield said he was not happy about having 60 children running around in the back yard next to his house. He purchased the home in July and had no knowledge of the application at that time. He would feel better about the whole thing if he could be assured that there would not be a school on this property next year.

Mr. Smith assured Mr. Wakefield that if the application were granted, there would not be 60 children outside at one time; perhaps there would be groups of 15 or 20 at a time.

The school uses regular station wagons or automobiles for transporting the children, Mrs. Frazer said, and these are not identified by school name. There will be a woven redwood fence between her house and Mr. Wakefield's property but she was reluctant to putting an expensive, permanent fence on the other side because of the expense involved, and when the new school is completed she would either sell this house, rent it or live in her herself. Only four teacher's vehicles will be parked on the property during the day. The drive is very narrow but it will be widened. The driveway will go all the way through so it will not be necessary to back out onto Old Mount Vernon Road. The bus drivers take the vehicles home so they will not remain at school. There will be possibly four carpools bringing children and picking them up. They arrive at the school no earlier than 5 minutes of 9 which is not in conflict with public school transportation which goes earlier. The noon pickup is at 12:30 and this is not at heavy traffic time. The others leave at 3:00, a few minutes before public schools let out. There are 15 first graders; 14 in the second and third grades; 10 in fourth and fifth grades. It could be arranged so that 20 children would go out at one time to play and then 15 at a time. There is room on the Curtis Avenue side for playground and for parking of four cars.

Mr. Smith moved to defer to September 27 to view. Seconded, Mr. Yeatman. Carried unanimously.

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THEODORE E. NAMEY, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed by the Ordinance, proposed Lots 1 and 2, Bedford Acres, (dead end of Delf Drive on existing 15 ft. outlet road), Dranesville District (RE 0.5) V-391-66

(Deferred from August 2 because of a 2-1 vote; waiting for full Board to be present.)

In the meantime a closer look shows that the proposed dedication includes the outlet road, Mrs. Henderson said, and she was under the impression that it was to be 25 ft. from the centerline of the outlet road.

Mr. Robert Hurst, attorney for Mr. Namey, said he had checked the Board of Supervisors minutes on discussion as to the width of the road. Greene & Bennett had agreed to dedicate 25 ft. in total and the Board asked Mr. Namey to dedicate 40 ft. Mrs. Bradley said that since the property next door was only dedicating 25 ft. it was not fair to ask Mr. Namey for 40 ft The majority of the Board agreed, and it was reflected in the minutes, that Westerly Lane should have a 25 ft. dedication.

It is difficult to meet percolation on Lots 3 and 4 because of the slope toward Old Dominion Drive, Mr. Hurst continued. Perk tests had to be run on the back of the lots and though they were approved for septic tanks, the septic fields are right up against the back line of Lots 3 and 4. They probably would not perk if the line had to be moved 15 ft.

If percolation is limited to this extent, Mr. Smith said, he wondered how the lots could be developed at all.

The Soil Scientist made these tests, Mr. Hurst said, and he placed them back as far as possible on the high ground. Lot 5 still has not been accepted but Lots 1 and 2 are all right.

Mr. Everest felt that the Board of Supervisors must not have considered the maintenance of the road, as a 25 ft. road would not be acceptable to the State system.

Mr. Hurst stated that the reason for Lot 5 not being approved was that no tests had been made on it yet. They plan to build ramblers on the property - 3 bedrooms and 2 baths, or perhaps four bedrooms on Lots 1 and 2 where there are no septic problems.

The Board asked Mr. Hurst to get a statement saying that moving the line 15 ft. would be impossible from the standpoint of perking the other two lots, and also bring in the tests that were run on the property.

Mr. Smith moved to defer to September 27 for a report from the Health Department as to where the septic tanks should be placed. Seconded, Mr. Everest. Carried unanimously.

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CLARENCE BROTHERS, application under Section 30-6.6 of the Ordinance, to permit division of property with less width and area than allowed, NE corner of Great Falls Road and Haycock Road, Dranesville District (R-10) V-392-66

(Deferred from August 2 for new plan of lot arrangement.)

Mr. Williams said he had discussed with the surveyor and Mr. Brothers concerning a new layout and in order to comply with the minimum requirements of R-10 zoning, there is no other possible layout. Interior lots have a frontage of 70 ft. minimum and the exterior lots meet the 95 ft. requirement. The reason for the name "Outlot A" is that it does not meet the zoning requirements - it is short of the 70 ft. frontage. In order to arrange it differently, they could not meet the minimum.

Mr. Smith felt this was overdevelopment of the property. Mrs. Henderson agreed and felt the applicant should develop this in three lots. Then no variances would be needed.

Mr. Yeatman moved that the application be approved. No second.

Mr. Smith moved that the application of Clarence Brothers, to permit division of property with less width and area than allowed, N E corner of Great Falls Road and Haycock Road, Dranesville District, be denied. This application requests a division of lots, three of which do not meet the minimum lot requirements under present zoning for the area; one that would require other variances in order to be a lot of record. This is not in keeping with the variance section of the Ordinance -- it is an unreasonable request and should be denied. Seconded, Mr. Everest. Motion carried. Mr. Yeatman voted against the motion because he felt this was a better use than something else which could be put on the land.

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GREENE & BENNETT, application under Section 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed a permit dwellings closer to side property lines than allowed, proposed Lots 1 and 2, Greene & Bennett property, Dranesville District (RE 0.5) V-374-66

(Deferred from August 2 to discuss with Mr. Yaremchuk new plans and for Health Department approval of septic tanks on each lot.)

Mr. Greene presented a certified plat for the Board.

Mrs. Henderson noted that the Board is asking for 40 ft. for the road; this means 15 more feet and the houses would have to be moved back. This again changes the line on Lot 1.

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GREENE & BENNETT - Ctd.

Mr. Everest suggested granting a 7 1/2 ft. variance and leaving the houses where they are.

Mrs. Henderson agreed that reducing the square footage in the lots was preferable than cutting down the size of the road.

Mr. Everest moved that the application of Greene & Bennett, application No. V-374-66 be approved as applied for in accordance with plat dated July 1966, with the following stipulations: that the area to be dedicated to public street purposes in this variance is predicated on 40 ft. being dedicated instead of 25 ft. as shown on the plat; that a variance be granted in the amount of 7 1/2 ft. along the front building restriction line and lot areas to be less than required by the Ordinance. All other provisions of the Ordinance are to be met. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith added that this was the best possible arrangement which could be gotten out of the situation, to allow these purchasers to utilize the property for their own living quarters.

Mrs. Henderson stated that she was constrained to vote for the motion because of the road situation but her inclination was to vote against it, in spite of the road. Carried unanimously.

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R. L. DUNMIRE, application to permit erection of carport 13 ft. from side property line, Lot 37, Section 1, Springvale (7212 Oriole Avenue) Mason District, (RE-1) V-390-66

(Deferred from August 2 to view.)

Mr. Smith said he felt favorably toward the application with the understanding that it would remain an open carport with nothing built in the rear of it. The safety standpoint is one factor to be considered here; this would allow a back entrance to the house.

Mr. Yeatman moved that the application of R. L. Dunmire, to permit erection of carport 13 ft. from side property line, Lot 37, Sec. 1, Springvale, (7212 Oriole Ave.), Mason District be approved for a carport only, which gives 2 ft. variance under old zoning regulations of 15%. All other provisions of the Ordinance to be met. This is to be an open carport with no tool sheds or anything to the rear or to the side at any time. One of the reasons for favorable consideration in this case is the fact that many years ago the foundation was laid for this house and at that time a carport could have been constructed without a variance. This permits better flexibility of use of the home, as well as an exit to the rear of the house. This is an old subdivision where neither width nor area conforms to the zoning category in which it was placed. Seconded, Mr. Smith. Carried unanimously.

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KIWANIS CLUB OF McLEAN, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit operation of a teen club, at 1420 Spring Hill Road, (W. side of Rt. 684, approx. 250 ft. S. of Airport Access Road) Dranesville District (I-P) S-420-66

The Board heard this application under Group VI "any similar activity" - permitted only by such things as fraternal or service clubs.

Mr. Barlowe said they had been meeting in schools and churches and draw from three high schools -- Langley, Marshall and McLean. The Fire Marshal has set a limit of 320 people so they cannot accommodate as many as they would like to. They have signed a lease with a 40 day contingency (which ends today). It was a 30 day contingency and it was extended once. They have been to the Health Department, Building Inspector, Fire Marshal etc. and this is the last remaining step. About $3,000 worth of alterations will be made to the building. The building is now occupied except for the facilities which the Kiwanis Club is leasing. This is a two story block building with concrete floor. The top section of the building is taken over by a kitchen appliance and kitchen cabinet distributor. The lower half of the floor is taken over by an electronics firm; the Kiwanis Club will have the other half of the lower floor. The property is being leased from Mr. Mark T. Rhinehart who owns the warehouse facility. The people in McLean are trying to raise money to build a civic center, and hopefully it will be ready in three years. This is an interim facility.

Mr. Smith moved to waive the 10 day requirement in view of evidence that proper notification was given; six out of seven return receipts had come back. Seconded, Mr. Everest. Carried unanimously.

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KIWANIS CLUB OF McLEAN - Ctd.

Mr. Barlowe said the Club has a one year lease with two one year options at the same price. They contemplate opening with two dances a month. These will be every other week, on Saturday night. During the summer they will be open afternoons for ping pong, basketball and pool. There will be no alcoholic beverages allowed on the premises; no one will be allowed inside if they have alcohol on their breath and if one leaves the building, he cannot come back inside. There will be two off-duty paid policemen plus four chaperones. There are about 5800 teen age students in the Greater McLean area; students roughly from 13 to 19 years of age.

Mr. Smith noted that no part of Rt. 684 should be used for parking.

No opposition.

Mr. Smith moved that the application of Kiwanis Club of McLean application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit operation of a teen club at 1420 Spring Hill Rd. (on W. side of Rt. 684, approx. 250 ft. S. of Airport Access Road), Dranesville District be approved as applied for, for a maximum number at any one time of 320 teen agers plus chaperones and policemen on duty. This is for dances every other Saturday night from 8:00 to 11:00 p.m.,for use by teen agers under the supervision of the Kiwanis Club, for a period of one year with permission to renew for an additional one year period, not to exceed 3 years, at which time if there is a need to continue it shall be reviewed by this Board. All other provisions of the Ordinance shall be met. The official name of the organization is the Kiwanis Club of McLean, Inc. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith asked that the names of persons responsible for the operation be submitted to the Zoning Administrator in case it becomes necessary to contact someone in relation to the Club. This should be done each successive year if the person changes. The BZA will recommend that the Staff recommend to the Board of Supervisors that site plan be waived.)

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JOSEPH P. BAKER, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less area than allowed by the Ordinance, Lots 6, 7 and 8, Sec. 1, Spring Valley, Lee District (R-12.5) V-424-66

This is identical to the application which this Board granted once before, Mr. Baker said. The sewer is in now and water is available. The houses would sell for $22,000 if he builds, but otherwise, he might sell the lots. The rest of Spring Valley has been developed. This is the last part. The first application was granted over two years ago.

No opposition.

Mr. Yeatman moved that the application of JOSEPH P. BAKER, application under Section 30-6.6 of the Ordinance, to permit division of lots with less area than allowed by the Ordinance, Lots 6, 7 and 8, Section 1, Spring Valley, Lee District be approved, and that all other provisions of the Ordinance be met. The variance is to run with the land, resulting in Lots 6A, 6B, 7A, 7B and 8A, and the application is similar in every respect to the application granted July 14, 1964 to Mr. Baker, amounting to a 500 sq. ft. reduction from the requirements on each lot. Seconded, Mr. Everest. Carried unanimously.

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The Board will meet December 6 and 20; November 1 and 22, possibly one extra meeting November 15. Also, October 11 and 25 with possibly one extra meeting.

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The Board will study "lot frontage" definition on through lots.

The meeting adjourned at 4:35 PM
By Betty Haines

Mary E. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

October 21, 1966 Date

September 27, 1966

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, September 27, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

VIRGINIA ELECTRIC AND POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines and towers, Hayfield Substation to proposed Van Doran Station, on east side of RF&P Railroad, Lee District (R-17, RE-1 and Railroad right of way) S-415-66

Mr. Randolph Church, representing the applicant, pointed out the line generally on the map, beginning at the existing Hayfield Substation, and described the two lines running through Rose Hill on Hayfield Road. They propose to tap the existing line at that point and the line will come across country about 8/10 mile and pick up at the RF&P Railroad, going then in a northerly direction completely within the railroad right of way to the proposed substation to be known as Van Doran Substation to make power available to this area, he explained. This will utilize about 3 acres of the 10 acre tract. The site is surrounded by a wooded portion of the tract on one side; the Railroad to the north, and #495 to the south.

Mr. R. W. Carroll, Manager at Fairfax for VEPCO, stated that the Company is requesting a permit to construct, operate and maintain a 230,000 volt double circuit power line. The initial area to which the proposed line will furnish electricity has its approximate center at the intersection of Route 236 and Shirley Highway, extending southward along Shirley Highway into the Springfield Industrial area, along the RF&P Railroad to Springfield. The area covered is approximately 14 square miles. The growth and the electrical needs of the citizens in this general area has increased approximately 50% in the past two years. Peak loads are expected to increase to 85,000 by 1969, a 100% increase. During last summer's peak the facilities that are now used to serve this general area were operating at full capacity so it is essential that they have additional facilities available to serve the increased load in time to meet the expected new peak early in the summer. This rapid increase in demand for electricity is being created by residential units, shopping centers, industrial complexes, and high rise apartments in this general area. This proposed facility will serve the expected need and afford flexibility in providing service to adjacent areas. It connects to the existing 230 KV lines at the Hayfield Substation and will be so arranged so they will have a source of power from the Possum Point generating station or the Ox switching station to this point. The approach to the Van Doran sub-station is entirely on the RF&P Railroad right of way. Where it is not on the railroad right of way, it is across land that is not thickly populated. Every effort has been made to avoid local landmarks and houses. Approximately one-half of the line that is not on the railroad right of way is on NR (Natural Resources) property. The line will be supported by 230V double circuit steel towers, average height of towers less than 120 ft. The line is designed and if approved will be built to exceed requirements of the National Safety Code. This facility would not create any traffic that would be hazardous or inconvenient to the neighborhood and would not cause interference with electronic equipment in the neighborhood. The total length of the line will be approximately 2.7 miles, 1.8 mile along the railroad and .88 not on the railroad. The right of way through the residential area has been acquired.

Mr. Yeatman suggested putting the line underground but this was found to be quite expensive and very difficult to install and maintain.

Mr. McKenzie Downs, real estate broker and appraiser, said he had made a study of the area and a detailed report on the subject. The nearest home is approximately 500 ft. away; dwellings in the area average from between $22,000 to $30,000. VEPCO acquired the subject parcel from the Virginia Department of Highways. This is the best route. It is almost a direct shot between the railroads and follows a pattern through an industrial area. All of their right of way was acquired by negotiation; there was not a single condemnation. After examining the route, and looking at subdivisions that have been constructed around existing high lines, he concluded that the character of the land would not be changed along the route, this is in keeping with the Plan for Fairfax County, and this is the best route that could have been selected.

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VIRGINIA ELECTRIC & POWER CO. - Ctd.

Mr. Roger R. Brooks, District Engineer in the Northern Virginia area, stated regarding the citizens' fears that these towers would attract lightning, that if these towers were to have any effect, it would be an asset - they would serve as a direct path for the lightning to reach the ground.

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No opposition.

Mrs. Henderson read the recommendation of the Planning Commission, voting to defer the application to October 3, for more information and possibly to view the site.

Mr. Smith moved that the application of Virginia Electric & Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines and towers, Hayfield Substation to proposed Van Doran Station, east side of RF&P Railroad, Lee District, be approved as applied for with the following conditions; that VEPCO be required to maintain the 100 ft. right of way or easement from the transmission line of the Hayfield Substation to the railroad right of way in an open manner; no spraying shall take place after the original clearing, and grass should grow wherever possible. In any event, bushes and undergrowth should be cleared annually and not be sprayed. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a ground transformer station, north side of Beltway and south of RF&P Railroad, Lee District, (R-12.5) S-416-66

Mr. Randolph Church represented the applicant, stating that the station would be erected on 3+ acres of a 10 acre parcel.

Mr. R. W. Carroll repeated most of the comments which he made on the application heard just before this one, concluding that he did not believe the construction of this ground transformer station would have any adverse effects whatsoever. They propose to construct an access road to get to the site, beginning at Tilberry Road and extending to the RF&P Railroad right of way. After it reaches the railroad it will be built on the east side of the existing right of way, extending northward underneath Rt.495 to the Van Doran Substation. The tallest structure within the substation site is 65 ft. and the minimum setback distances have been maintained or exceeded. The facilities will be completely surrounded by a 6 ft. steel chain link fence with three strands of barbed wire around the top. The gate will be locked at all times except when an attendant is present. The substation will meet or exceed all requirements of the National Safety Code. There will be no interference to radio or TV reception in the area; no increased traffic will arise from the construction of this facility. They plan to leave the existing wooded line at the back of the substation and plant screening along 495. This is a good location for a substation, it is completely surrounded by property dedicated to other public uses. Another factor is that they can move small equipment in off the railroad; their transformers will be transported by railroad and this alleviates the problem of hauling them over existing roadways. For routine maintenance one service vehicle would visit the substation to take readings on the meters. This would be a relatively small vehicle, at least one per week.

Mr. McKenzie Downs stated that he had examined other sub-station sites similar to this one, taking into account proximity of housing. The sub-station site in the City of Fairfax had a large apartment house constructed next to it with an elevation much higher than the sub-station itself. Another one, at Rose Hill, is 40 ft. below the grade of the adjoining dwelling. There have been no indications that any adverse effects arise from these sub-stations. Properties have been developed immediately adjoining them with no adverse effect whatsoever. The proposed site is an excellent location for a sub-station -- it is on land which has been lying stagnant, and could not be utilized. The closest I-G zoned property to this site is developed and this land zoned R-12.5 could never be used for residential development as it is landlocked. The property was bought from the Virginia Department of Highways. It is a natural for Industrial zoning but the Highway Department had no desire to change it. There is marine clay in the area and they will have to go down for footings at considerable costs or above average development costs.

Mr. Roger Brooks stated that there would be no effect of lightning being attracted to the area as feared by some of the citizens.

Opposition:

Mr. Johnson and Mr. Moore, Mr. Johnson's next door neighbor, appeared in opposition. Mr. Johnson objected because he felt the application was not in keeping with the Beautification Program of the White House, that he did not have

time enough to go into this as much as he would like to, and because of the lightning situation. He was afraid that lightning would hit his home before getting down to the towers at the sub-station. His house is high on a hill and standing in his front yard, he would be looking down at the sub-station. He said he would not complain if the towers were level with his house.

Mr. Carroll stated that the installation was to be placed at the highest point on the property.

As to the reference made by Mr. Johnson on proper notification, Mrs. Henderson said the property was posted and five people were notified of the hearing so the requirements of the Ordinance had been met. She asked Mr. Downs to explain why they were not using Industrial or Commercial property within a mile of this site.

They did not investigate any other locations, Mr. Downs explained, and he did not know whether there was other available land, and if so, to what extent.

Mrs. Henderson suggested deferring action in order that the applicant could look into the possibility of acquiring land zoned I-G.

Mr. Church commented that Mrs. Goodhart, adjoining the property in question, had been notified of the hearing and had called his office regarding the application. After explaining to her at some length that the property was on the other side of #495, she withdrew her objections. Later Mr. Washner, another neighbor, came to the office to see the plans and he said he had no objections. Mr. Church said he understood that there was a public road to the Thompson property, and they have an option through the Thompson property for maintenance vehicles to come in and out.

Mr. Smith requested that Mr. Church check with the VEPCO title people in Richmond to ascertain that a public right of way does exist.

Mr. Everest moved to defer to October 11 to view the property and to allow VEPCO to check into other available sites in the area. Seconded, Mr. Smith.

Mr. H. H. Wagner, employed by the Pennsylvania Transformer Division of McGraw-Edison Company, assured Mr. Johnson that the erection of this sub-station in the manner described definitely would not cause any lightning hazards to Mr. Johnson's home. Concentration of transformers, lines and towers does not attract lightning.

Motion to defer carried unanimously.

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CARL H. SEBENIUS, JR., application under Section 30-6.6 of the Ordinance, to permit erection of carport 9 ft. from side property line, Lot 3, Block C, Sec. 3, Birchwood, Dranesville District (R-12.5) V-417-66

Mr. Sebenius, purchaser of the home, stated that at the time he filed the application, he asked for a 3 ft. variance; he amended the application to ask a 2 ft. variance. They wish to move the carport supports 2 ft. closer to the house. The carport roof is presently built and the slab is laid. The carport is too narrow as it is to be used for a standard sized automobile. They want to have a 30" brick wall built on the edge of the slab. Their car is 6'8" wide and when driven into the carport there are only 22" of space on either side of the car to open the door. By moving the posts over 2 ft. away from the house it would allow more space to get in and out of the automobile. The roof of the carport extends 2 ft. beyond the 12 ft. line. This is the last house being built in the subdivision. All the other houses have carports or garages, some wider than this one is. The 30" brick wall which he plans to build will be 8" wide. The posts will be anchored to the wall. These will be wrought iron type posts.

Opposition:

Mr. and Mrs. Claymire Smith said they moved into their home September 1 of last year and they felt that granting the request of Mr. Sebenius would depreciate the value of their property in the event of a resale.

Mr. Sebenius said he had talked to some of the people in the area and there were no objections to his proposal except for the Smith's objections.

Mr. Dan Smith felt that one solution to the problem may be in placing the posts at their present location and using only 2 posts instead of 3.

The Building Code requires 3 posts, Mr. Sebenius said.

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CARL H. SEBENIUS, JR. - Ctd.

The fact that the applicant proposes to build a wall would stop him from voting favorably on the application, Mr. Smith said. The carport could turn into an enclosed room at some future date.

A freestanding wall could be built on the edge of the platform, Mrs. Henderson pointed out, but it is the location of the posts that count.

Mr. Smith moved that the application of Carl H. Sebenius, Jr., to permit erection of carport 9 ft. from side property line, Lot 3, Block C, Section 3, Birchwood, Dranesville District be denied because the request does not meet the variance section of the Ordinance under which the application is filed. This is a new subdivision and this Board cannot grant variances merely for the convenience of the contract purchaser of the home as it would not be in keeping with the requirements of the Ordinance. Seconded, Mr. Everest. Carried 3-2, Messrs. Barnes and Yeatman voting against the motion.

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Mr. Smith moved that the application of HENRY F. BORGES, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 908A and 908B, Sec. 9, Lake Barcroft, Mason District, be allowed to be withdrawn at the request of the applicant's attorney. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Sec. 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, Lots 56 and 58, Freedom Hill Farms Subdivision, Providence District (C-N) S-422-66

Mr. Cotton represented the applicant. The property was zoned C-N almost two years ago, he stated, and a subsequent rezoning application for C-G was withdrawn. The proposed station will have bays that open only to the rear. This will be a modern designed service station -- it will not be a porcelain station. There will be three bays in the rear. He showed a photograph of what he described as a typical building erected by Cities Service last year, not necessarily the building that would be erected on this site.

Mr. Smith referred to the policy of the Board requiring certain types of construction for service stations and felt that if the Board allowed the type proposed by Cities Service, they would not be able to require other distributors to stick to Colonial brick buildings.

Mr. Everest's interpretation of the Board's policy was getting away from the porcelain type of station. This is not an architectural board of review, he said, and none of the members are qualified as such, so it means treading on real rough water when the Board starts naming the materials that must be used in construction of gasoline stations. The Board can only say what the applicants cannot use in construction, porcelain, for example.

Mr. Smith said he did not object to the new design as such, but felt that this station would not be the type the Board has visualized.

If there are objections to the use of masonite around the edge of the building, their engineers could change this, Mr. Cotton said.

Allowing Cities Service to use this red band which is their trademark would mean that all the other stations should be allowed to do the same, Mr. Smith felt.

The pump islands will be set back 25 ft. from the right of way, Mr. Cotton continued, and there will be a dedicated service road. A patio vending room will be constructed where one may wait while his car is being repaired or tires being fixed. It is completely enclosed. This will not be a general repair garage.

The vending room should be limited to the sale of pre-packaged food items only, Mr. Smith said.

Mr. Yeatman moved that the application of Cities Service Oil Co., application under Section 30-7.2. 10.2.1 of the Ordinance, to permit operation of a service station, Lots 56 and 58, Freedom Hill Farms Subdivision, Providence District be approved, building to conform as nearly as possible to the photograph submitted to the Board at the hearing. All other requirements of the Ordinance shall be met. Granted for service station with patio vending room. No parking of U-Hauls, trailers, etc. will be allowed. Pump islands will be 25 ft. from the right of way line under Section 30-7.2.10.2.2 of the Ordinance Seconded, Mr. Everest. Carried unanimously.

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September 27, 1966

Mr. Smith moved that the application of HELICOPTER ENTERPRISES, INC., application under Sec. 30-7.2.4.1.2 of the Ordinance, to permit operation of a heliport on south side of #1 Highway, Mt. Vee Motel property, Mt. Vernon District, be deferred at the request of the applicant. The Zoning Administrator may set a date for hearing. Seconded, Mr. Everest. Carried unanimously.

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Mr. Smith moved that the HERMAN L. CROOM application, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 1053, Sec. 11, Lake Barcroft, Mason District, be deferred at the applicant's request. Seconded, Mr. Barnes. Carried unanimously. Zoning Administrator to set date of hearing.

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DANIEL M. DODSON, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8 ft. from side property line, Lot 30, Block 48, Sec. 18A, North Springfield, (7636 Dunston St.) Mason District (R-12.5) V-428-66

Mr. Dodson stated that they have no carport at the present time. The subdivision is eight years old and few carports were built. They are requesting the variance to permit the existing roof line of the building to be extended to furnish sufficient space for opening the car doors.

Mrs. Henderson noted that the Board granted a 1 ft. variance in July to John and Margaret Fairey at 7504 Dunston St.

The lot slopes off in the back, Mr. Dodson continued, and there are problems caused by the location of the steps and the central air conditioning unit. The air conditioning unit is in a bad spot, but it was put there on the advice of the company that installed it because they felt it would be easier to service and because it is away from the sleeping quarters.

No opposition.

Mr. Yeatman moved that the application of Daniel M. Dodson, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8 ft. from side property line, Lot 30, Block 48, Sec. 18A, North Springfield (7636 Dunston St.), Mason District, be approved because of the topography problem in the rear of the property and because of the steps which project out into the carport area. All other provisions of the Ordinance shall be met. This meets the requirements of the variance section of the Ordinance. This will allow the roof overhang at the 8 ft. point, posts to be placed at the roof line of the carport. Seconded, Mr. Barnes. Carried unanimously. (4-0, Mr. Everest absent.)

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JULIE O. KERLIN, application under Sec. 30-6.6 of the Ordinance, to permit erection of a fence 6 ft. high on Cedar Drive and Douglas Drive (1114 Shipman Lane, Lot 19A, Resub. Lots 19, 20, 21 and 22, Sec. 1, Braewood, Dranesville District (RE-1) V-336-66

Mrs. Henderson could see no justification for granting the request because with a normal 3 1/2 ft. fence on the lot which is high, it would serve the same purpose as a higher fence. Also, during the summer, the natural screening of trees would hide the town house project across the street from Mrs. Kerlin's view.

Mr. Everest's objection to a 6 ft. fence was due to his feeling that it would create a traffic hazard at the corner. Perhaps if there were a stop sign he would feel differently about it.

Mr. Smith moved to defer the application for decision only, to October 11 so he could go back and view the property and see how soon the road was going to be finished and a stop sign put up. Seconded, Mr. Barnes. Carried unanimously.

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WARREN HARDING, application under Sec. 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 21A and 21B, Madrillon Farms (Lord Fairfax Rd.), Providence District (RE-1) V-406-66

(Deferred from September 13 for house locations to be shown on plat.)

September 27, 1966

WARREN HARDING - Ctd.

Mr. Harding submitted a new plat showing the existing house location and proposed house location. The Board reminded him that they required three.

In the application of Warren Harding, application under Sec. 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 21A and 21B, Madrillon Farms, (Lord Fairfax Rd.), Providence District, Mr. Yeatman moved to approve the application, and that Mr. Harding submit to the Zoning Office three certified drawings showing the house locations within a week or ten days from this hearing. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of public recreation park, West side of Hunter Mill Rd. (Lake Fairfax property), Centreville District (RE-1 and RE-2) S-404-66

(Deferred from August 2 for opinion from the Commonwealth's Attorney)

Mrs. Henderson said she had received a letter from the Commonwealth's Attorney this morning and the Board had had practically no time in which to consider the answer. She read the following letter: (dated September 27, 1966)

"To: Board of Zoning Appeals

From: Commonwealth's Attorney

Subject: Lake Fairfax Subject to Regulation of Board of Zoning Appeals

I have your letter requesting an opinion by September 27 as to whether the Park Authority, owner of Lake Fairfax, is subject to the provisions of a use permit by the Board of Zoning Appeals.

Section 30-2.2.2 of the County Zoning Ordinance is controlling in that a "public use" is a use permitted by right in RE zoning. Public use is defined in Section 30-1.8.36.3 as "uses of land and buildings maintained by the County for administrative, cultural, educational, health or welfare purposes .....or for park, playground, etc."

It is therefore, my opinion that the Fairfax County Park Authority, owner of Lake Fairfax, is not subject to zoning regulations by the Board of Zoning Appeals under a special use permit but is a use permitted by right in the Zoning Ordinance Any request for change of the present law would be by amendment to the Zoning Ordinance."

Mr. Smith felt that the letter did not contain a decision from the Commonwealth's Attorney, nor an interpretation. It was merely a reference to a provision in the Ordinance of which the Board is aware, and he could not believe that the Commonwealth's Attorney had had time to consider the impact or things that are going on at Lake Fairfax. He moved to defer to October 11 for further consideration. Seconded, Mr. Everest. Carried, Mrs. Henderson voting against the motion as she felt the case could be disposed of today and dismissed.

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MILDRED W. FRAZER (Deferred from September 20 to view the property.) Lots 4 and 5, Mt. Vernon Hills Subdivision.

Mrs. Henderson read the following report from Mr. Rasmussen to the Planning Engineer:

"At the request of Mrs. Henderson for the Board of Zoning Appeals we have made a field inspection of the above referenced property for the purpose of determining if a site plan is necessary.

A single family dwelling exists on these two lots and it was built under building permit No. P-3606, dated 8/9/60. This house and lot are out of the drainageway except for the roadside ditch along the front that must convey the runoff from the adjoining property. In this case, the adjoining property is owned by the Gateway Corporation which was the subject of our report to you of June 29, 1966, where a use permit has been issued for a school.

Mrs. Henderson advises that a use permit for a private school has been applied for and will be considered at the next meeting of the Board of Zoning Appeals.

We would recommend a variance to the site plan requirements on this site provided the owner agrees to pay full cost of the storm sewer for the full frontage of these lots at such time as the outfall storm sewer is constructed, and that the owner furnish a bond acceptable to the Bonding Committee guaranteeing this construction."

Mr. Everest said he had viewed the property and was in a position to make a motion, and the drainage problem would have no effect on his decision.

Mr. Everest moved that the application of Mildred W. Frazer, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school at 8617 Old Mt. Vernon Road, Lots 4 and 5, Block 14, Mt. Vernon Hills, Mt. Vernon District, be denied on the grounds that the house and lot are too small for this type of operation even on a temporary basis and would have an adverse effect on the neighborhood. Also, considerable work would have to be done if this application were granted with the driveway because of a safety hazard which exists there. Seconded, Mr. Yeatman. Carried unanimously.

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THEODORE NAMEY, application under Section 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed by the Ordinance, (Deferred from September 20 for Health Department report on percolation of the two rear lots.)

Letter from the Health Department reported that the southern boundary of Lots 1 and 2 could not be further moved back. This is the only area suitable for septic in the area indicated on the plat.

Mr. Smith moved that the application of Theodore Namey, application under Section 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed by the Ordinance, be approved with the following conditions: that the variance be granted under condition that Mr. Namey dedicate 40 ft. of the proposed divided lots for road purposes. This would reduce the lot area on each of the proposed lots by 1500 sq. ft.; these lots would be allowed under these conditions and Mr. Namey shall meet all other provisions of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Lawrence Ryan again appeared in opposition to the heavy equipment being parked on the E. E. Lyons Construction site at Tyson's Corner, and presented a letter from Mrs. Bicksler referring to minutes of the Board of Supervisors granting an application for industrial zoning to Mr. Lyons at Daleview. The statement made by Mr. Lyons that he did not have any more equipment or material on the property than he had in 1941 is wrong, Mrs. Ryan stated.

The letter indicates that the industrial zoning took place to alleviate the problem at Tyson's Corner, Mr. Smith said. He moved that the Board notify Mr. Lyons to comply with statements made at his rezoning hearing, and if not, he shall appear before this Board within 30 days. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith moved to extend the application of Mansion House, eight months from the granting date which was October 12, 1965. (Until June 1967)

The meeting adjourned at 4:30 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

November 8, 1966 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m., Tuesday, October 11, 1966, in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

DONNA JUNE CAPOZIO, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line than allowed, proposed Lot 2, Sec. 2, Davian Pines, Falls Church District (R-10) V-434-66

Mr. Carlton Smith, purchaser of the property, represented Mrs. Capozio. There is adequate land for these four lots, he stated, but they are off 1 ft. on the right side of Lot 2 and 2.52 ft. on the left side. The corner lot gives the problem. At one time Mrs. Capozio had adequate land and a variance would not have been necessary, but she gave some of her land to the Highway Department. All of these lots will be larger than R-10 lots.

No opposition.

Mr. Yeatman moved that the application of Donna June Capozio, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line than allowed, proposed Lot 2, Section 2, Davian Pines, Falls Church District, be granted and that all other provisions of the Ordinance be met. Seconded, Mr. Smith. Carried unanimously.

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HAL C. FARRELL, application under Section 30-6.6 of the Ordinance, to permit dwellings under construction to remain closer to street property lines than allowed, Lots 14 and 15, Walnut Grove, Providence District, (R-10) V-436-66

Mr. Fred Cardwell, whose firm staked out the houses, said the roofs were on the houses when the wall checks were called for; they made the wall checks and found these violations. The houses were built in a filled area, and they had to bring up a sub-basement in one. There is no evidence of whether they staked the houses wrong or whether they were moved. The street was under construction at the time the wall checks were made. All of the houses are staked, all have been wall checked and these are the only errors out of seventeen houses.

No opposition.

Mr. Smith moved that the application of Hal C. Farrell, application under Section 30-6.6 of the Ordinance, to permit dwellings under construction to remain closer to street property lines than allowed, Lots 14 and 15, Walnut Grove, Providence District be approved as applied for. As stated, the houses are almost completed. This appears to have been an error due to miscalculation in stakeout or due to fill conditions. The application meets the requirements of the Ordinance where this Board has authority to grant variances such as this. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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W. O. QUADE, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot 49, Buffalo Hill, on Nicholson St., Mason District (R-12.5) V-437-66

Mr. Quade said his problem in dividing the lot was because his outdoor living area at the existing house is oriented toward the southern end of the lot, with a terrace on the south side, and in order to properly encompass the house and lot he would have to move the line of Lot 50 over into Lot 49 and combine the remainder of Lots 50 and 51 into a single lot. He would sell the house and lot with 80 ft. frontage.

Mrs. Henderson suggested that since there was adequate space in Lot 51, why not leave the rest of Lot 50 with the house. Mr. Quade said he could do that.

The house has been there for 15 years, Mr. Quade stated, and there is only 5 ft. from the house to the present property line.

The request seems reasonable, if the line remains between Lots 50 and 51, Mrs. Henderson said. He has three lots now, and he will still have three. He is trying to bring the house into conformity.

The reason for proposing that Lot 50 be cut the way it is shown on the plat, was at the suggestion of the real estate company, Mr. Quade said, that they should sell the minimum amount of land with the house, a lot that would conform, and since they had no plans for Lot 51, the prudent thing to do would be to hold as much land as possible. Perhaps in five to ten years from now it might be used for town houses or apartments.

Mrs. Henderson felt that it would be to Mr. Quade's advantage to keep the present line on Lot 50 and he would have a fine building lot left on Lot 51. If cutting up the lots the way it is shown on the plat is predicated on granting this variance, she did not think the variance should be granted.

Opposition:

Mr. John J. Hogan, President of the Citizens Association, said that Mr. Miller, was to have been present to register their objection, however, Mr. Hogan said he was speaking for himself and a neighbor whose property adjoins the rear of this lot. It was their feeling that the application, if granted, would not contribute to the value of their property. When Mr. Quade bought his property he treated it as one lot and his choice was made at that time. In this particular neighborhood there are a number of large lots which were developed about the time Mr. Quade came into the neighborhood. This application could set a precedent and have the owners of those lots asking for the same thing. A number of large lots would be cut up into odd shaped lots.

Mr. Quade has three lots now, Mr. Smith said, and is only asking for a re-arrangement of those lots. He has almost two acres of land in three lots which far exceeds the size of Mr. Hogan's lot, and almost doubles the requirement for R-12.5 lots. Mr. Smith felt that this was a good arrangement. What he is trying to do is save the house that is already constructed there.

Mrs. Henderson commented that the house would have to be granted a variance before it could be sold if the lot lines were kept as they now exist, because it is too close to the lot line.

Mrs. Richter said her view from her picture window looks out over the trees on Mr. Quade's property. The trees would probably be removed with the construction of another house. She has lived there for ten years and has seen a lot of damaging precedents in the area. She was concerned about town houses or apartments coming into their residential area.

Mrs. Henderson said she felt that town houses are a long way off. If by some quirk of fate, this turns out to be a town house area, Mr. Quade's house and the other houses would have to be torn down and the whole area would have to be changed with rezonings and everything else. It would be to Mr. Quade's advantage to keep the present line on Lot 50 and then he would have a fine building lot left on Lot 51. As to the trees on Mr. Quade's property, he could remove these at any time he wished, whether he planned to build or not.

Mr. Smith felt that Mr. Quade's remarks had opened up a door that this Board could not and should not concern itself with. This Board is concerned only with the effect of this variance and has no jurisdiction over what might happen as far as rezonings are concerned. Mr. Quade starts out with three lots and ends up with three lots. He is merely changing one of the lot lines by moving it over to bring the present house into conformity with the present ordinance. The two remaining lots, including the lot he is asking the variance on at the setback line, will have almost double land area that is required under R-12.5 zoning. The density is not being increased.

Mrs. Richter still felt that this was "a foot in the door".

It is very possible that Mr. Quade might sell this lot but as to what will happen in the area - that is up to the Board of Supervisors and the citizens there, Mr. Smith said, and he did not see where this particular action would open the door to any increased density.

Mr. Yeatman moved to defer to November 1 for decision only. He would like to see new plats (without the red lines drawn in by the real estate company) and view the property before making a decision. Seconded, Mr. Smith. Carried unanimously.

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GRAYSTON W. CHAPMAN, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 9 ft. from side property line, Lot 4, Reddfield Subdivision, (2216 Reddfield Drive), Dranesville District (R-17) V-438-66

Mr. Chapman said he proposed to build a 15 ft. carport. The slab is

already there. If he reduced the size of the carport, it would mean that he would lose his turning radius in the rear of the house. The Highway Department took some of his land for improving Idylwood Road and if he built the carport in another location, he would have to back out into moving traffic. The general idea is to provide a safe turnaround, a drive-through carport and off-street parking. They are a three-car family, he said. His is the only house in the area without a carport or garage; he has lived there for five years. There is a very old holly tree in his yard which he wants to save, and he doesn't want to asphalt any more of his yard than he has to.

Mrs. Henderson felt that a 12 ft. carport would be very adequate except for the fact that Mr. Chapman wants the turning radius in the rear.

Mr. Smith said he would like to try to alleviate the problem but the request is too great. The Board has never gone beyond a 12 ft. carport and this certainly should be the limit here. The Board could allow Mr. Chapman to set his posts 12 ft. from the house, then allow him the 3 ft. of overhang which would give him protection out to the slab.

The Chairman noted that Mr. Chapman could build a two or three car carport behind the house.

Mr. Everest felt that the Board should view the property to see if there was any way this could be worked out satisfactorily to the applicant and the Ordinance. There is an unusual condition here.

No opposition.

Mr. Everest moved to defer to November 1 to view the property and for the applicant to take under consideration a 12 ft. carport, adjusting the locations of his posts so that the turning radius might work with a 12 ft. carport. Seconded, Mr. Smith. Carried unanimously.

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JOHN A. NICHOLAS, application under Section 30-6.6 of the Ordinance, to permit erection of carport 34.72 ft. from Balls Hill Road, Lot 44, Sec. 1, Langley Manor, (7214 Thrasher Rd.), Dranesville District (RE-1) V-439-66

Mr. Nicholas stated that he felt his present carport was an eyesore from Ball's Hill Road, a well traveled road, because he has to store many things in it.

Mrs. Henderson suggested building an addition in the back to store things.

The lot falls away in the back, Mr. Nicholas said, and it would not look good. He wishes to improve the appearance of the neighborhood by building a deluxe carport.

This not only is a great variance request but the reasons stated by Mr. Nicholas are not reasons for granting a variance under the Ordinance, Mr. Smith commented. There are similar situations all over the County where people would like to have a second or double carport and this Board does not have authority to grant a carport to this degree, especially since the applicant has an existing carport to serve his needs.

No opposition.

Mr. Smith moved that the application of John A. Nicholas, application under Section 30-6.6 of the Ordinance, to permit erection of carport 34.72 ft. from Ball's Hill Road, Lot 44, Sec. 1, Langley Manor, Dranesville District, be denied. Mr. Nicholas has not presented a case of undue hardship. He now has one carport that was constructed apparently when the house was built. This is a normal condition existing throughout this area. To grant Mr. Nicholas the variance which he seeks would be in violation of the variance section of the Ordinance under which this Board is required to operate. Seconded, Mr. Barnes. Carried unanimously.

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KRESS & ZIMBRO, application under Sec. 30-6.6 of the Ordinance, to permit division of property with overall less average lot area for subdivision, proposed Lots 1, 2, 3, 4, 5, 6, 7 and 8, Kress & Zimbro's Addition to Yacht Haven Estates, Mt. Vernon District, (RE 0.5) V-440-66

Mr. Kress described the property as a long strip which they propose to subdivide, with an overall area short about 2,900 sq. ft. The lot sizes, however, meet the minimum requirement for 1/2 acre zoning. The only way to get access to the property is by building a road dead-ending

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into a cul-de-sac, and this takes away land which would have qualified them with proper land area. They average less than 1/2 acre, but they all meet at least the 20,000 sq. ft. area, and Lots 4 and 8 are larger.

Mr. Barnes pointed out that the Herbert Bryant property, located behind this property, has been sold. Mr. Kress said he had not approached them to see if he could acquire additional land.

Opposition:

Mrs. Zillers, representing a group of citizens in the Mount Vernon area, objected because they were under the impression that this would be changing the average lot size in the area, and were confused about this being a change of zoning. She requested an extension of time in order that the citizens could look at the plans for this property and have more time to discuss it.

Mrs. Henderson explained that if a variance were not granted, the property becomes confiscated because he cannot use it. He cannot get to the back of his property so he must put in a road - this means that he cannot meet the one-half acre average lot size.

This road will be constructed at the applicant's expense and dedicated to the State Highway Department for public use and State maintenance, Mr. Smith added.

In the application of Kress & Zimbro as stated in application # V-440-66, Mr. Everest moved that it be approved as applied for and that all other provisions of the Ordinance be met. Seconded, Mr. Yeatman. Carried unanimously.

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CLYDE L. KING, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 5A, 5B and 5C, H.R.C. Shockey Subdivision, Providence District (RE-1) V-441-66

Mr. Dortsler, builder, represented the applicant. Mr. King is proposing to give an acre of ground to his son-in-law, Melvin Chapel, and Mr. Dortsler said he would build the house. All of the lots would be over one acre, the zoning in this area, and about 30 ft. of property would be dedicated for road widening. Mr. King lives in the house in the center of Lot 5A.

No opposition.

Mr. Smith moved that the application of Clyde L. King, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, proposed Lots 5A, 5B and 5C, H.R.C. Shockey Subdivision, Providence District, be approved as applied for. This grants 3.74 ft. on each of the proposed lot frontages. No other variances shall be granted. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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VIENNA LITTLE LEAGUE, INC., application under Section 30-7.2.6.1.4 of the Ordinance, to permit operation of little league baseball field and picnic area and allow parking closer to property lines, dead end of Domremy Avenue, south off Old Courthouse Rd., Providence District (RE 0.5) S-442-66

Mr. Douglas Adams represented the applicant. He presented amended plats showing the original outlet road as abandoned, with an access out to Hibbard Avenue.

Mr. John Thompson, President of Vienna Little League, Inc., described the growth of the Little League during the past eleven years, resulting in a pressing need for additional space for playing baseball. They own and operate a three baseball field park at Yeonas Park within the Town limits of Vienna and they have found that particularly during the past year, even with the use of school playgrounds and Glyndon Park, the facilities are inadequate for their needs. The rules permit eight year old boys to play baseball, however, they have had to eliminate them because of the shortage of space. They have 48 teams now, and play a 20 game season commencing in April running normally until July. About 55% of the boys in the League are from outside the Town limits of Vienna. They have tried without success to locate additional land within the Town limits.

Mr. Thompson went on to say that the property in the application would be used for baseball purposes from March until approximately September 1. This is a sparsely populated area, ringed with trees, and there would be no possibility of a ball being hit into someone's window. There is a two story frame house on the property and this would provide the sewerage facilities and water supply. The Health Department has no objection.

Mrs. Henderson noted that the Board could not grant a variance on the parking as requested in the application. Mr. Adams agreed that the parking situation would be corrected.

In answer to a question from Mr. Smith, Mr. Adams said the dugouts would be constructed of concrete block. They also plan to have a refreshment stand which would be operated by the ladies of the League. They would probably sell hot dogs, Cokes, potato chips, etc.

There are teams during the summer months that practice during the day, Mr. Thompson said, but their scheduled games would be at 6:30 p.m., Monday through Friday, with four games on Saturday on each field. Basically, the fields would be used from March to September, six days per week.

Mr. Barnes asked if the children in the community would be allowed to play on the fields.

Mr. Thompson said the Yeonas Park field has been used by the girls' softball league in the Vienna-Oakton area but usually their fields are being used to the full extent at the time when others would want to use them.

Mr. Dick Dingman, Member of Vienna Town Council, said the Town Council passed a Resolution last Monday night urging granting of the request. The Town is very interested in the progress of Little League and feels that they have done a great job in supplementing the recreational program available through the Town and the County. The Council has done quite a bit in assisting Little League in regard to verbal support, annual donations and last year he was appointed with another Councilman to try to find available land within the Town to accommodate needs of the Little League and other baseball leagues within the Town. The Little League came to the Council and advised of plans to obtain additional land outside the Town. They asked if the Town would have any objections to a reverter clause being attached to the deed so that in the event that any future board decided that they no longer wanted to use this field for Little League, the property would automatically become the property of the Town of Vienna. Their intent is to provide facilities for the boys to play ball.

Mr. Dingman said he lives adjacent to the access road to the Yeonas Park field and they have had very little complaint -- those that they did have were remedied very quickly. Little League tries to be a good neighbor.

Mr. Adams read a letter from William Dove Thompson, Superintendent of Recreation for Fairfax County, paying tribute to the Vienna Little League and hoping they would receive the necessary community help to buy the property under consideration.

Opposition: Miss Linda Pumphrey represented her mother, Mrs. Louise Pumphrey, and presented a petition in opposition containing 29 signatures. They objected to the 15 ft. outlet road and the parking close to the line. The Board members pointed out that both these problems had been eliminated -- the outlet road had been deleted from the application and the parking would have to be 25 ft. from the property line.

Miss Pumphrey felt that this was an improper location for a Little League field and was concerned about the value of property in the area being depreciated. Her mother, a widow with five children to support, keeps pre-school children as a source of income and this operation could create an unsafe condition for the children.

Mr. Smith assured Miss Pumphrey that their property would not be adversely affected if the application were granted. Perhaps a fence could be put between the Pumphrey and Little League properties. He related an experience of the Fairfax Little League where there were four ball fields in the corner of the City; three years later $35,000 - $40,000 homes were constructed about 50 ft. from the fields.

Mr. Everett Mills, owner of land which was originally a part of the tract involved in the application, expressed concern about a drainage ditch running west to east across the back of his land, onto the Little League property. Mr. Morris, who lives on the property in question, has always allowed him to keep the ditch clean. It must be

kept 4 - 5 ft. deep at all times, otherwise, when there is a flash flood his yard becomes flooded. He hoped the Little League would take care of this or give him permission to do it but it must be done by someone, he said. Another concern was that the undeveloped property in the area would soon be developed and with the Little League fields nearby, the easiest way to get to them would be via his driveway. It would take a 6 ft. fence to keep children from crossing his yard on their way to the ballfields. He wondered if the land would be used for other activities than Little League. Would it be turned into a football field when the baseball season is over? When the property is not being used will it be supervised by anyone? Will children be allowed to come on the property and play till any hour of the night? If Little League will promise to take care of the ditch, and put up a fence to keep children from crossing his yard; that there will be some supervision after the games are over; that the fields will not be used continuously on Saturday and Sunday, he would not be opposed. Mr. Mills said he had lived in this location for almost twenty years and it has always been a quiet neighborhood.

Mrs. Walker, Trustee with Mavis Cobb and Stanley Hite on the Hite property, felt that the application was not to the best interests of property owners in the area. However, if the application is granted, she hoped they would put up a high stockade fence for privacy.

Mr. R. H. Bartlett, living on Virginia Avenue, said he had no real objection to Little League, but he was concerned about the 16 ft. outlet road off Virginia Avenue being used for ingress and egress from the League property.

Mr. Adams assured him that the 16 ft. road would not be used.

Mr. Bartlett pointed out that the Town of Vienna has some property on Beulah Road which possibly could be used for the ballfields. It is within the Town limits and is lying vacant with a well on it. He did not think the property should revert back to the Town of Vienna, and that a restriction should be imposed on putting in lights at the field at a later date. He asked for assurance that the dust would be kept down, and that adequate drainage would be provided.

Mrs. Lena Munday asked that a sign be put up giving directions to the Little League fields. She has a problem now with people knocking at her door asking directions to other places, and she felt the Little League field would increase the problem. She said she would have no objections to a small sign being put on her property.

Mrs. Myers, living directly in back of the Morris property, asked for definite assurance that there would be a fence between the two properties. They have a rental property that is very near the line in the back. Also, they have horses and she feared that children might throw rocks at them if there was not a fence.

Mr. Pumphrey asked that a gate be provided which could be locked to keep out teen-agers who might wish to use the road as a "lover's lane"; they have a problem with this already and do not wish to add to it.

Mrs. Henderson pointed out that if the 108 parking spaces were not adequate, the picnic area could be used for extra parking.

Mr. Adams presented statements from people living immediately adjoining the Yeonas Park, certifying that Little League, Inc. have always conducted themselves as good neighbors and have not detracted from the enjoyment and use of their property.

Property values do not go down, Mr. Adams continued, and if anything, they appreciate in value. Little League will be happy to give Mr. Mills permission to keep the ditch clean. Little League will use only the 26 ft. outlet road shown on the plat. Domremy Avenue will not be used. He asked that the Board not make a firm requirement that the property be fenced immediately as the cost of a 6 to 8 ft. chain link fence around 6 acres would be astronomical.

Mrs. Henderson asked if they could fence what they use as they go along.

Mr. Adams said this was their intent. They do not plan to abandon Yeonas Park. There is no intention to utilize the fields in this application after September when baseball is complete. This will be from March through Labor Day in September. There would be no other use than baseball; no lights; no other access except the 26 ft. road off Hibbard Street with the gate at the end of that.

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Mr. Mills asked to have written permission to whoever might live in his house at a later date to keep the ditch clean. This agreement should run with the land. Mr. Adams said Little League would agree to this.

Mr. Smith moved that the application of Vienna Little League, Inc., application under Section 30-7.2.6.1.4 of the Ordinance, to permit operation of a little league baseball field and picnic area, dead end of Domremy Avenue, south off Old Courthouse Road, Providence District be approved. Parking must meet the setback requirements of 25 ft. The League shall not use Domremy Avenue but instead use the 26 ft. outlet road leading from Hibbard Street to the proposed location of three Little League playing fields; that the League, prior to the official use of the No. 1 field fence that area down Domremy Avenue adjoining the George A. Pumphrey property, over to the corner of the Little League property, with a 6 ft. chain link fence. Prior to the official use of proposed No. 2 field, that the League fence that area adjoining Gooding and Myers, down to the end of the Myers property. Prior to official use of the No. 3 field, that they fence the area adjoining the Jennings property, across the end adjoining the Mills property; that they place a barrier chain of link fence at the outlet road giving access to the property; that this be locked at all times when the property is not in use; that the Little League draw up an agreement giving Mr. Mills permission to clean the ditch that apparently borders the two properties; that there be no lights on the fields; a sign is to be placed on the Munday property at the corner of Domremy Avenue and Old Courthouse Road - a directional sign indicating entrance to the proposed playfields; hours of operation from 8:00 a.m. to dark during the playing season, playing season being from March 1 to Labor Day. Other uses of the fields would be primarily for maintenance and upkeep; that there be no work parties of youngsters here at any time without proper supervision of League officers or adults. All other provisions of the Ordinance are to be met. The League has the responsibility of keeping the property clean. The 26 ft. outlet road shall have a dustless surface to conform to County standards. It is the intent of this motion to fence the entire field eventually, when the entire field is in use. This is also to serve notice to Little League that if there are problems or complaints they might be asked to increase the fencing as referred to in this motion. Seconded, Mr. Yeatman. Carried unanimously.

The Board recommended that the Staff recommend to the Board of Supervisors that the site plan be waived.

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LILLIAN REINARD, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as a h;me occupation, Lot 9, Zekan Village, (6409 Zekan Lane), Lee District (RE-1) S-443-66

Mr. Roy Swayze represented Mrs. Reinard, stating that the applicant wishes to convert her basement into a small neighborhood type beauty shop. Mrs. Reinard has talked with some of the ladies in the neighborhood and a number of them have indicated that they would find it convenient for them to have their hair done without going a great distance from their homes. There is a two-car parking space at the end of the driveway. Entrance to the basement would be from the rear. The nearest beauty shop is in Springfield, across Route 95. Mrs. Reinard will be the only operator; the property will meet all County requirements. This will be a five day operation - no Sundays - from 9 a.m. to 3 p.m.

No opposition.

Mr. Smith moved that the application of Lillian Reinard, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as a home occupation, Lot 9, Zekan Village, (6409 Zekan Lane), Lee District, be approved as applied for. The applicant shall be required to meet all Health and Fire regulations. This is a one chair operation as a home occupation and no other employees will be allowed. Two parking spaces shall be provided as indicated on the plat. Hours of operation from 9 a.m. to 3 p.m., five days a week, no Sunday operation. All other provisions of the Ordinance shall be met. Carried 4-0, Mr. Everest not present.

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MARION LELAND, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 21, Hillside Manor (6803 Dean Drive), Dranesville District (R-12.5) V-445-66

Mr. Carstens represented the applicant. He stated that he would be the builder if the application is granted.

Mrs. Henderson pointed out that Mr. Carstens could build a 10 ft. carport and not need a variance.

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No opposition.

Mr. Yeatman moved to defer to November 1 to view the property and for the applicant to bring in more information to the Board. Seconded, Mr. Smith. Carried unanimously.

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WESTMINSTER SCHOOL, INC., application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit extension of private school, kindergarten thru 6th grade, 260 students, total enrollment; hours of operation 8:45 a.m. to 2:30 p.m., optional study hall until 3:15 p.m., St. Alban's Episcopal Church, (6800 Columbia Pike), Falls Church District (RE 0.5) S-448-66

Mrs. Jane Goll stated that she has a permit for 150 students. The school was founded five years ago. She was the original founder and continues as Director of the School. They became incorporated January 1966 and the school is now governed by a Board of Trustees. They were originally allowed 100 children; two years ago they were allowed to increase the number to 150. This past year they have been delighted with the steady growth of the school. They have split their classes with 12 students in one class and 13 in another class. This is not economically feasible. They cannot afford to pay a teacher to teach 12 or 13 students and pay the donation to the church for the room. They have a long waiting list with many who are qualified because they have been previously tested in case of vacancies. They have 204 students in the school. Their grades are unclassified but they run up to eleven year olds, the equivalent of sixth grade. The school is an integrated, non-denominational school. The kindergarten is operated on a "first come, first served" basis but there are strict regulations about going on to their first grade and every grade after that. Youngsters are allowed to progress as rapidly as they can. A total of fourteen classrooms are used for the school, reserving two for St. Alban's use. The very large parish hall is used for lunch time. Children bring their lunches and are served milk in individual containers. During inclement weather their physical education classes are held in the large hall but weather permitting, they have physical ed outside. For two full days a week their physical education takes place under the direction of the YWCA; they have physical fitness tests sponsored by the YWCA and the results of these are part of each child's file. They have organized games, relay races and calisthenics during physical education, and there are never more than 40 children outside at any one time, except they have had up to 45 children outside at recess time. All students come by car pools and they have ten walkers; there is no bus transportation provided by the school. This is operated on a regular school year. School begins at 8:45 a.m. and by 2:45 all the car pools have gone. There will be an optional study hall beginning in November running through May and approximately 50 or 60 children will stay for this. This ends at 3:15 p.m. There are three evening recitals per year, two plays and one musical program.

Mrs. Goll said the children in the school are never allowed to trespass upon anyone's property. The playground area is equipped with swings and slides.

Mrs. Henderson read the reports from the Electrical Inspector, Plumbing Inspector, Building Inspector and Fire Marshal.

Opposition:

Mrs. Kendall, resident of the area for approximately 18 years, asked that the application be denied and that Mrs. Goll be required to adhere to her original permit allowing not more than 150 students, kindergarten through third grade. The school is operating now without approval with 206 students. She objected to the "constant recess" at the school; the lack of a fence or buffer to protect her from these activities; to the use of playground equipment by neighborhood children after school hours and during summer months when the school is not in operation. The trash container at the school is inadequate, Mrs. Kendall said, and sometimes trash is burned with no supervision, resulting in half burned papers and trash being blown all over her yard. The men light the trash and walk away. Also, she wondered whether 14 classrooms were adequate to serve this number of children.

Mr. Smith said he felt the number of classrooms was adequate; the public schools would probably serve up to 400 youngsters in 14 classrooms.

Mrs. Henderson asked Mrs. Kendall if a fence along her property line would help, but Mrs. Kendall said it would not since her property is higher than the church property.

Mrs. Baber, living immediately adjoining Mrs. Kendall's property, supported statements made by Mrs. Kendall and added that she felt her privacy was being invaded by the school. Children run across her yard at all times and sometimes pick apples off her trees.

Up until last year, Mrs. Baber continued, she was employed; now she is a retired person and she notices the noise from the school. She did not know where the children were coming from -- whether they were from the school or just neighborhood children -- but there had been many of them trespassing on her property.

Mr. Smith commented on the low tuition charged by the school, $25, $35 and $45 per month as compared to other private schools charging as much as $100 per month.

Mrs. Goll reviewed the school schedule: from quarter of ten to quarter of eleven they have groups coming outside for recess. Then the kindergarten children leave. They are there only for a half day and there is no thought of having a double kindergarten session. At this time the other children begin one of the two lunch shifts. Immediately afterward they have a 15 minute recess and the rest of the afternoon they are in class. On the days when they have physical education they do not have this recess. The playground has four swings, a sliding board and a sandbox for the kindergarten children. The school's liability coverage is very high because they know that neighborhood children do use the play equipment after school hours but it would be quite uncharitable to say that they could not use the playground. They are truly a non-profit organization and are able to run this school on low tuition because they want to offer this old fashioned type of education for people who really desire it for their children. The school does have private trash pick-up and if the church chooses to burn something, very often it is during school hours. They have the private pick-up in addition to the public trash removal service. The school children never leave the premises, Mrs. Goll continued, and have never trespassed the Kendall or Baber property. They have three walkers who cut through with permission of a neighbor and the other walkers go in a different direction.

Mr. Smith stated that Mrs. Goll should see that no trash from the school is burned on the school premises. If the church burns paper, this is not within this Board's jurisdiction. In the application of Westminster School, Inc., application under Sec. 30-7.2.6.1.3 of the Ordinance, Mr. Smith moved that the application be granted, to permit extension of private school, kindergarten through 6th grade, 260 students total enrollment; hours of operation 8:00 a.m. to 3:15 p.m., optional study hall until 3:15 p.m., St. Alban's Episcopal Church, (6800 Columbia Pike), Falls Church District; that play time or recess periods be as indicated, for a period of one hour in the mornings and approximately 1/2 hour in the afternoons, normal recess aside from physical education; that the school be asked to utilize the commercial trash service that they are now employing and that there be no burning of papers or trash from the school itself. It is understood that the church is very active and it may be that they burn some of their trash from various activities. This is for a total of 260 students and Mrs. Goll should not enroll 261 at any one time, but stay at or below the 260 level. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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FAITH COOPERATIVE DAY SCHOOL, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 45 children, hours of operation 9:15 a.m. to 12:00 noon, Faith Methodist Church (7010 Harrison Lane), Mt. Vernon District (R-17) S-449-66

Mrs. Smith, Director of the School, said the children would be transported by car pools. Hours of the school would be from 9:15 a.m. to 12:00 noon. They have a memorandum of understanding from the Church to allow the premises to be used for a period of three years and this can be broken by either party. The school has been in operation since September 5 with 14 children, four and five year olds. There is plenty of playground space.

Mrs. Henderson read the reports from the Electrical Inspector, Plumbing Inspector, Building Inspector, Health Department and Fire Marshal.

No opposition.

Mr. Smith moved that the application of Faith Cooperative Day School, to permit operation of kindergarten, 45 children, hours of operation 9:15 a.m. to 12:00 noon, Faith Methodist Church (7010 Harrison Lane), Mt. Vernon District, be approved as applied for in conformity with all County regulations. Granted to the applicant only. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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ROSS A. HAWORTH, application under Section 30-6.6 of the Ordinance, to permit additional lot in Darwin Heights reducing required average in overall subdivision, proposed resub. of Outlot A, Annalee Heights and Lot 22, Darwin Heights, Falls Church District (R-10) V-430-66

(Deferred from September 20 to view the property.)

Mr. Yeatman said he felt the application would be advantageous to the neighborhood by putting a house on the vacant lot, keeping down weeds, etc. and would give the County additional revenue.

Mrs. Henderson said she had driven through Annalee Heights and the lots there are very small. She said she did not feel that granting the application would result in a detriment to the neighborhood. The old shed now on the property should be removed if the application is granted.

Mr. Haworth said he proposed to build a brick rambler on the property.

Mr. Yeatman moved that the application of Ross A. Haworth, application under Section 30-6.6 of the Ordinance, to permit additional lot in Darwin Heights, reducing required average in overall subdivision, proposed resubdivision of Outlot A, Annalee Heights, and Lot 22, Darwin Heights, Falls Church District be granted. All other provisions of the County Zoning Ordinance shall be met. The average lot size of the subdivision now is 10,049 sq. ft. and it will be reduced to 9,777 sq. ft. by the granting of this application. Seconded, Mr. Barnes. Carried 3-0, Mr. Everest absent and Mr. Smith abstaining because he did not view the property.

Citizens from the area were present objecting to the Board's procedure in this application, the fact that they were not allowed to present their objections at this hearing. The Chairman explained that the public hearing was held on September 20 and they should have presented all their objections at that time. The case was deferred to this date for decision only.

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FRANCONIA VOLUNTEER FIRE DEPARTMENT, application under Section 30-7.2.6.1.2 of the Ordinance, to permit construction and operation of fire station, portion of Lots 20 and 21, Sec. 2, Franconia Hills, (Beulah St.) Lee District (RE-1)

(Deferred from July 26 for information on widening Franconia Road and for the Fire Department to review alternate locations.)

Mr. James Thompson suggested that the situation so far as the Highway Department is concerned is set forth in two letters, one addressed to Mr. Joseph Alexander from the resident engineer, Mr. Brett, and the other in a letter to George Landrith from Mr. Fugate, Commissioner, stating that there are no immediate plans for widening either Beulah Street or Franconia Road, but the Highway Department has indicated in connection with the application that they would try to work out minor alterations needed in connection with the fire station.

Mr. Ward of Ward & Hall, Architects, showed a rendering of the proposed fire station, a one-level building which he said would be compatible with the school and the church on the corner. This building will accommodate six vehicles, one of which will be a hook and ladder truck. They do not have enough width on their property at Franconia Road to accommodate such a vehicle.

Mr. Smith felt that the present facilities could possibly be used if some variances were granted on the property.

There is not enough width on the property, Mr. Thompson stated, and when Franconia Road is widened, there will be no space on the road for moving the vehicles out.

Mr. Smith was concerned about the vehicles making the turn at the intersection where the new station was proposed to be located; would there be a delay in servicing a fire on Franconia Road in either direction from this site?

Mr. Schurtz said there would not be much difference, possibly a half-minute more than it takes them to get from their present location as now they have to come out of their present firehouse and wait for the traffic to get out of the way on Franconia Road.

Mrs. Henderson commented on a letter from Mr. Alexander, expressing shock that the Board of Appeals would request the Fire Department to seek another location -- the Board did not mean to go miles and miles away from the present site, she said. She also said that she was not aware of the Fire Station Plan adopted by the Board of Supervisors in June of 1965; if the Board had heard of that before, it might have helped the situation.

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FRANCONIA VOLUNTEER FIRE DEPT. - Ctd.

Mr. Willis Burton, Fire Marshal, said the Fire Commission has considered in detail and approved this site, and he was in agreement with the Fire Commission on this. The proposed location facing Beulah Street does not materially affect the response time and is perhaps a plus factor in facing future growth. The Franconia station has not been considered in the past on serious need for a ladder truck because of their particular problems with their existing station in housing such a vehicle.

Mr. Smith moved that the application of Franconia Volunteer Fire Department, application under Section 30-7.2.6.1.2 of the Ordinance, to permit construction and operation of fire station, portion of Lots 20 and 21, Sec. 2, Franconia Hills, (Beulah St.), Lee District be approved as applied for, in conformity with State and County regulations. He said he had been apprehensive about the location, but since assembling many factors, and after the Fire Marshal's testimony and others' involved charged with the responsibility of protecting Fairfax County citizens, he would move to approve the application in conformity with plats and drawings submitted to the Board. All other provisions of the Ordinance must be met. Seconded, Mr. Everest. Carried unanimously.

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JULIE O. KERLIN, application under Sec. 30-6.6 of the Ordinance, to permit erection of fence 6 ft. high on Cedar Drive and Douglas Dr., (1114 Shipman Lane,) Lot 19a, Resub. Lots 19, 20, 21, 22, Sec. 1, Braewood, Dranesville District (RE-1) V-336-66

Mr. Smith said he would like to see the street work completed and a stop sign erected at the intersection. He was in favor of granting this applicant's request because he did not believe anyone should have two front yards and the applicant is in the position of having two front ~~or two~~ rear yard~~s~~.
Aus Nc

Mrs. Henderson felt that a 3 1/2 ft. or 4 ft. fence would afford privacy.

Mr. Yeatman said he had looked at the property and felt that a 4 ft. fence which the applicant could have as a matter of right on that elevation above the street would give her anything that a 7 ft. fence would in the way of privacy.

It was Mr. Smith's understanding that the applicant has four or five children and earlier in the day this Board required a 6 ft. fence on property in order to prevent children from moving around in certain areas.

That was a baseball diamond with hundreds of children, an entirely different situation, Mr. Yeatman said.

Mr. Smith moved to defer to November 1 to see if the road work had been completed or until such time as the stop sign is installed at the intersection. He amended the motion to defer to November 22. Seconded, Mr. Everest. Carried 4-1, Mrs. Henderson voting against the motion to defer as the application has already been deferred seven times and it should be denied today.

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VIRGINIA ELECTRIC & POWER COMPANY, application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of ground transformer station, north side of Beltway and South of RF&P Railroad, Lee District (R-12.5) S-416-66

(Deferred from September 25 to view and to find out if there were other available property.)

Mr. Church said he had checked land records and found that a public road was dedicated in 1938. VEPCO has an agreement for an access road back of one property, granted by the Thompsons, and an agreement with the railroad to take this road on through this property. The I-G property in the area belongs to the Southern Railroad; it was rezoned June 1964 at their request. There are several warehouses and asphalt plant down farther, all of which are railroad oriented uses. Mr. Church indicated a letter from the Southern Railroad, stating that they did not wish to sell, however, they will lease to users of the railroad. The I-P property in the vicinity is fully developed. They cannot build on I-I or I-P property, either as a matter of right or with special use permit. The I-L property is 90% flood plain. The other I-L property is too far away. Highest elevation on the property in question would be the static poles which are 60 ft. high. The 40 ft. restriction line will be left untouched. The facilities will be screened.

The Planning Commission recommended approval of the application, by unanimous vote on October 4.

In view of the Planning Commission recommendation Mr. Smith moved that the application of Virginia Electric & Power Company, application under

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VIRGINIA ELECTRIC & POWER CO. - Ctd.

Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of ground transformer station, N. side of Beltway and South of the RF&P Railroad, Lee District, be approved as applied for, in conformity with plats and diagrams submitted to the Board. All other provisions of State, County and Federal regulations shall be met. There is no other suitable available land; it has been indicated that there would be screening on the Beltway side, and there will be no trees or undergrowth removed except what is absolutely necessary to get the facility in there. In no event would any vegetation be removed within the 40 ft. setback. Any useful additional screening that can be provided here should be put in. They should screen from view as much as possible. Seconded, Mr. Barnes. Carried unanimously.

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GEORGE F. DODD & ASSOCIATES, application under Section 30-7.2.1.3 of the Ordinance, to permit operation of a rock quarry on 29.83 ac. of land, on Alban Rd., Mason District (RE-1) S-410-66

(Deferred from September 25 for questions to be answered.)

Since the initial hearing, Mr. Cotton said they had been able to obtain answers to all of these questions and there have been a number of changes in the application. The application initially called for 29.7 acres; since that time the area of operations has been reduced in order to provide setbacks all around the property. The area now consists of 16.7 acres. The application is amended to reduce the area of operations. This came about by virtue of a 200 ft. setback from property lines on the south and east, and 50 ft. setback on the other sides. The intention would be to begin quarrying on the southwesterly quadrant of the parcel of land. The area has been core drilled and they have the borings if anyone wishes to look at them. Mr. Coleman has inspected the property on two occasions and reports that granite underlies the entire 29.7 acres of property, with good exposures of granite along Accotink Creek. There are also good exposures on the two ravines that cross the property. Average depth of overburden is estimated at 20 ft. (It varies from 3 ft. to 30 ft.) The stone is similar to that of Graham Quarries in Occoquan. The property is still in the process of being core drilled but ample supplies of hard granite have been found of commercial grade. The area first to be quarried in the southwest quadrant, would be where blasting would occur. Initially they would be relatively small blasts. Later on, when a face is created, there will be a technique of blasting which at the very maximum would involve drilling of 100 holes 30 ft. deep, each to be loaded with 70 pounds of nitro with periods of 20-50 milli-seconds delay. The maximum single charge would be 350 pounds of powder; 20 separate explosions of 350 pounds each. These would be a single explosion insofar as one would be able to hear and feel. The applicant is willing that the Board should impose a restriction of 7,000 pounds maximum per week - maximum of once per week, between 10:00 a.m. and 4:00 p.m. No Sunday operation. The blasting, drilling, etc. will all be under the supervision of Atlas Powder. There will be no blasting or noise damage either in the atmosphere or in the underground.

Mr. Jack Spect, engineer, said he had observed the property in question and also surrounding property and he felt this was an ideal location for quarrying. There is no possibility of damage to the properties in the area. They are quite a distance from the quarry site. The VEPCO towers are within 500 ft. of the property but the power load from the dynamiting would have to more than double to approach an area where risk might be encountered. The Alban Tractor building is approximately 2,000 ft. away. The weight of explosives necessary to approach the threshold of damage to plaster would be approximately eight times over what is proposed. As to the oil storage tanks across Shirley Highway, there is absolutely no risk of damage from the proposed quarry operations. The noise which would come from the quarry operation would be nothing like that at the proving grounds at Fort Belvoir. There will be no surface blasting at the quarry, any rock that is too large to be fed into the crushers will be broken up by ball and chain. The underground transmission lines, pipe lines etc. will not be affected by the operation as proposed. There could be slight turbulence resulting from blasting, possibly 10 to 20 ft. above the shot, however, birds are not disturbed by quarry shooting. It would not be necessary to stop traffic on the highways when blasting is occurring as the nearest established roadway is about 1100 ft. from the site.

Mr. Cotton stated that the quarry operation would employ a 1 1/2 yard power shovel, a number of trucks, a primary crusher, secondary crusher and a roll crusher.

Mr. George Zoover of Pioneer Engineering, described the crushing technique, which is done in four stages. The first stage is done by the blasting; the primary crusher is the next operation; this reduces stone to 6" or 7" size. The secondary crusher can be one of three different types. They are proposing to use roll crushers. If stone above ground is too large to fit into a jaw crusher, they would use the drop ball method of breaking it up.

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GEORGE F. DODD & ASSOCIATES - Ctd.

Mr. Cotton said the applicant is willing that the permit be conditioned upon the enclosure of the crushers to serve a two-fold purpose -- to reduce the noise, and to provide dust traps. Filters and screens will be removed periodically. There will be no washing of the rock and no water used for any purpose so there will be no possibility of any siltation of the Accotink with quarry dust.

Mrs. Henderson asked about the size of the crusher buildings and the type of construction.

Mr. Zoover replied that they would be constructed of metal frame with translucent structure corrugated plaster. The primary plant will be approximately 36 ft. long by 9 - 10 ft. wide; the building will be at least half again that. The secondary plant is very similar. They propose to operate from 8 a.m. to 4 p.m. six days a week, but no blasting before 10 a.m. Blasting would occur once a week between 10 a.m. and 3 p.m.

Mr. Dodd said that basically their production time will be the time it takes them to produce the equipment to get it on site. They are probably 16 to 20 weeks away on the delivery of the equipment. He does have some portable equipment, he said, and could possibly rent a primary until he could get one of his own.

Mr. Cotton showed a plan for the fording of Accotink Creek - a concrete and wire structure that would be slightly depressed to permit the Accotink to flow without any impairment of the rate of flow. This has been approved by Public Works. It is a temporary structure and has been approved only until the main bridge over the Accotink has been constructed. There is an agreement among the property owners to construct a bridge over the Accotink. That would open up the landlocked industrial tract. Mr. Dodd, in order to urge this along, has contributed $10,000 toward the engineering of the bridge and under his contract with Lynch he is obligated to give a total of $15,000. As of this date he contributed $10,000 to do the engineering work and has agreed to contribute $50,000 toward the construction of the bridge which will cost approximately $150,000. The grade on the temporary road is almost prohibitive. In the winter time it will be subjected to periods of inutility. There may be days or weeks when the quarry cannot operate because the material cannot be moved. Public Works has no objection to this bridge as a temporary expedient for one year. Mr. Dodd has concluded that the only suitable method of utilizing the land upon removal of the rock is to restore the area as though it were a gravel pit. The Ordinance requires restoration of any ~~quarry~~ but not for rock quarries. Mr. Dodd is willing to abide by the Ordinance for gravel pit restoration. All of the overburden will not be sold -- they will stockpile some of it. Restoration work will be delayed for a period of at least 3 1/2 to 4 years.

Mr. Cotton read the following letter dated October 10, 1966 from the Department of the Army, Fort Belvoir, Virginia:

"Dear Mr. Cotton:

Reference is made to your letters dated September 23, 1966 and September 28, 1966 regarding application of your client, George F. Dodd & Associates, to Board of Zoning Appeals of Fairfax County for a permit to operate a rock quarry south of the Fort Belvoir North Area.

A number of military activities are located at Fort Belvoir and it is a matter of concern that the future operation of these activities not be impaired. The principal concerns and comments on this matter are as follows:

a. The proposed quarry site is within the Federal Aviation Agency control zone for air traffic operations of Davison U.S. Army Airfield at Fort Belvoir. Quarry blasting involving 7,000 pounds of explosives could constitute a safety hazard to the take off and landing of aircraft at the airfield.

b. Quarry blasting could affect research operations at the Fort Belvoir North Area, predominately in the area of instrumentation and data gathering. Firing schedules would require close coordination with the activities at the Fort Belvoir North Area.

c. Fort Belvoir has been the recipient of numerous complaints concerning blasting operations and has received numerous claims for damages. As a result, operations at the North Area are currently restricted to small four to fifteen pound above ground shots which are incapable of any destructive effect.

d. Fairfax County plans to construct a large diameter trunk sewer line parallel to Accotink Creek, adjacent to the proposed quarry site. Any rupture or damage of the sewer pipe joints could result in raw sewage leaking into and flowing down Accotink Creek through Fort Belvoir reservation. Sediment flushed into Accotink Creek from quarry operations could also result in adverse effects downstream.

e. It is noted that the proposed quarry site lies directly within the access corridor to the Washington Metropolitan area from the south and therefore might ultimately be an undesirable feature in the future planning of rapid transit systems.

Any additional comments you may need on this matter will be promptly provided.

Sincerely yours,

(S) David Penson, Colonel, AGC
Adjutant General"

Mr. Cotton's comments on the letter were as follows: In order for a plane to be adversely affected by quarry blasting, it would have to be flying at an altitude of 10 to 20 ft. There are quarries at the moment within 1/2 mile of Dulles airport, a quarry at the Lynchburg airport and one at Roanoke airport. If there is an airplane in the vicinity, the blasting will be delayed. Mr. Dodd is willing to be bound that any blasting will be done in coordination with officials at Fort Belvoir and that they will be informed 72 hours before blasting, of any intention to blast.

Mr. Cotton read a letter from the Atlantic Division of the Richfield Company stating that they had no objections to the proposed quarry.

A letter from the Washington Gas Light Company stated that they had no objections to the application.

Letter from the Virginia Electric Power Company stated that they had no objection to the operation provided that only qualified and competent persons will perform the blasting, that all flying debris will be controlled, and the operators of the quarry will be liable to any damages to VEPCO facilities.

Mr. Cotton stated that Humble Oil & Refining Company telephoned that they had no objections, and the same was true with the Plantation Pipeline Company.

A telegram from the Hunter Motel opposed the application.

Public Works concludes that the only risk of siltation will be from erosion of the streambed and they recommend that this stream be piped, Mr. Cotton continued. This was an informal recommendation, but prior to issuance of the permit Public Works will require a method of handling rain water collected, to be diverted in some other manner.

Opposition: Mr. Edward Petros representing property owners 1500 ft. away from the proposed quarry, objected because of noise and dust from the quarry operation and possible hazards to low flying aircraft and helicopters.

Mr. Robert Bodine said he appeared in opposition at the previous hearing on this application, but Mr. Cotton has answered all of his questions today and he would switch to the other side -- he had no objections to the application.

Mr. Carl Roming, Vice President of Alban Tractor Company, expressed fear that property values would be adversely affected by this quarrying operation. Also, because of the difficult intersection in front of their building at Alban Road and Backlick Road. However, if all he has heard today is true on the noise and dust control, vibration, etc., and if this is lived up to, he would not be so opposed, but he was still concerned about property values. This seems to be a change in the basic zoning of the area.

Mrs. Henderson pointed out that this is a use which is permitted in residential zones so it is not a change in zoning. This is a good location for such a use because it is essentially an industrial area.

GEORGE F. DODD & ASSOCIATES - Ctd.

Mr. Smith assured Mr. Roming that as long as he was a member of the Board, these conditions would be lived up to, or the quarry would not operate.

Mr. Oliver Besley, Jr. said that after listening to the presentation today, and after having met with Mr. Dodd several times, that with the bridge and the road that all his objections to the application had been erased.

Mr. Cotton said that Colonel Peck had met with him in his office on Friday for two hours and had stated that he had no objections to the application.

Mr. Smith moved that the application of George F. Dodd & Associates, application under Section 30-7.2.1.3 of the Ordinance, to permit operation of a rock quarry on Alban Road, Mason District be approved with the following stipulations: that the actual quarrying be limited to an area as outlined on the plat submitted, covering 16.7 acres; that there be a 200 ft. buffer of trees and undergrowth left on the south and east of the property and a 50 ft. buffer be left on all other sides in conformity with plat submitted, also setting forth the 16.7 acres of land they propose to excavate. That this operation be brought under the Gravel Rehabilitation Plan and this is agreed by the applicant, that he will bring this under the Restoration Plan if granted, and that there be a bond required under this Restoration Plan to insure restoration of the 16.7 acres of land in conformity with the Restoration Plan that was submitted to this Board in connection with this hearing. All crushers and crushing machines or any part of any crushing operation shall be completely housed; this housing to be ventilated so as to catch any and all dust particles that might eminate from the crushers themselves; hours of operation 8 a.m. to 4 p.m., six days a week; blasting time from 10 a.m. to 3 p.m., not more than once a week; that the total blast at any one time be 7,000 lbs., 350 lb. 20 milli-second series; that Fort Belvoir be notified 72 hours in advance of any proposed blast and if this is not agreeable to Fort Belvoir, that a time be aranged by the applicant and Fort Belvoir within the hours set forth; that there be no washing in connection with this operation -- it is understood that this is a dry type operation. The Public Works Department of this County shall approve the access road proposed across Accotink Creek prior to the applicant using this access and that this crushing equipment and all phases of the operation be inspected and approved by the Zoning Administrator prior to any operation. No surface blasting shall be allowed. All blasting shall be in conformity with discussions before this Board by the attorney and Mr. Spect, the expert; that erosion and silt conditions that might arise from this operation would be the responsibility of the applicant and must be corrected at any time required by the Public Works Department, anything that might cause siltation in the Accotink shall be corrected immediately or the operation shall cease; that there be a bond as indicated by the applicant against any danger to surrounding properties -- VEPCO lines, oil storage tanks, oil transmission lines, etc. and this includes the proposed sewer line along the Accotink and damages to aircraft flying over the area. This would put the applicant in position where he would certainly have to provide the necessary insurance coverage in the areas specified. All other sections of State and County codes applicable to this type of operation shall be met and approved by the authorities in control over that particular provision of government. Inspection shall be on a periodic basis, at the pleasure of the Zoning Administrator or his agents, and they shall be given access to the premises on any working day from 8 a.m. to 4 p.m. Permit is granted for a period of five years. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of public recreation park, west side of Hunter Mill Rd. (Lake Fairfax property), Centreville District (RE1 and RE2) S-404-66

Letter from the applicant requested deferral to October 25 due to conference meetings in Washington. Mr. Barnes moved to defer to October 25. Seconded, Mr. Yeatman. Carried unanimously.

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ROLFS NURSING HOME - Mr. Smith moved to grant a 90 day extension on the application of Henry J. Rolfs nursing home - 90 days from the expiration date of present extension. Seconded, Mr. Everest. Carried unanimously.

Mr. Everest moved to grant a 6 month extension to the application of GEORGE & MARGARET COMER, School of Music and Dance. Seconded, Mr. Yeatman. Carried unanimously.

Meeting adjourned 7:30 P.M.
By Betty Haines

Mary K. Henderson Dec. 20, 1966
Mrs. L. J. Henderson, Jr.,
Chairman

Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 25, 1966 at 10:00 a.m., in the Board Room of the Fairfax County Courthouse. Mr. Smith and Mr. Yeatman were present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

Mr. Smith led the Board in prayer.

Mrs. Henderson stated that this Board would miss Mr. Everest's services, and the Board of Zoning Appeals' loss was the Board of Supervisors' gain. The Board expressed best wishes on his new assignment.

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WINDSOR W. DEMAIN, JR., application under Sec. 30-7.2.6.1.9 of the Ordinance, to permit erection and operation of a funeral chapel and permit building 45 ft. from Woodland Drive, and permit parking closer to property lines than allowed, Backlick Road at the intersection of Woodland Drive, Mason District (RE 0.5) S-444-66

Mr. Cotton represented the applicant, stating that the application is for an amended permit.

Mrs. Henderson reminded him that the previous permit expired September 28, 1966 and they did not ask for an extension so they have no permit.

The application was filed in September with a request for an extension, Mr. Cotton said. The prior history of the case is that a use permit was granted on almost the same parcel of land but this application is not the same parcel of property. Delay in construction was attributed to the fact that the parcel that was subject of the original permit turned out to be of insufficient size to provide the type of structure that was proposed, to provide travel lanes and the necessary parking. Subsequent to the issuance of the last permit, an additional 95 ft. of property fronting on Woodland Drive was acquired. This permits the moving back of the building from Backlick Road, making a more attractive view from Backlick Road. The design of the building proposed for the property has been largely completed and it is not identical to that which was displayed at the last hearing.

Mr. Saunders, architect, stated that the proposed building is approximately 115 ft. by 90 ft. The original building was basically a two-story building while this one is all on one floor. The rear 16 ft. actually is not a part of the building itself; it is an enclosed driveway for the hearse and limousine. There is no basement in this building. In order to get the architectural design they wanted, with the hip roof, they are utilizing the attic space for some of their mechanical devices -- furnace, etc. There is a small living unit upstairs over the office space. This is the manager's quarters. The original plan contemplated actual funeral services on the upper floor. This plan shows four parlors downstairs -- actually, three parlors and a lounge.

Mr. DeMain said they are anticipating approximately 150 funerals annually. This is consistent with what they said to the Board previously. The building is designed to take care of a maximum of 250. Parking would be kept off Woodland Drive as much as possible and the only complaints they had from people in the area were that they did not wish their driveways blocked. Originally, parking was shown in front of the building and the original intent of buying the additional 90 ft. was to allow for natural screening of trees in the background. All loading and unloading will be done in the covered area out of sight of the public. Once in a while if a funeral is large and there is not enough space for parking, they plan to use the church parking lot nearby.

In the original permit, Mr. Smith noted, it was said that there would be no parking on Woodland Drive in connection with this operation.

It might happen that there might be a time when they would hold a funeral for a prominent person and their chapel could not hold the number of people who would attend; then they would hold their services at the church, Mr. DeMain said.

Mr. Smith felt that there should be no parking on the street -- all parking would be on the premises or on church property.

Mr. Cotton felt that the Ordinance would allow them to use the public street for parking in emergencies.

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WINDSOR W. DEMAIN, JR. - Ctd.

The site plan shows parking for 55 cars on the premises, Mr. Cotton said.

Mr. DeMain said the original plan showed five parlors in the building. They redesigned and eliminated a couple of parlors with the idea of keeping the operation on one floor. The dormers were added purely for architectural effect and they could be eliminated if the Board objects to this.

Mr. Yeatman felt that distances should be noted on the plat, on the parking situation.

Opposition: Louis B. Wagner, 7205 Homestead Place, represented a majority of homeowners in Leewood who want to maintain single family characteristics in the area. At the original hearing, at the time Mr. DeMain presented his case and wanted to get Chapter 30 in the Zoning Ordinance changed to allow them to build in this area, the citizens reluctantly agreed to the proposal because they represented that they wished to maintain the residential character of the area, create buffers, etc. The plans at that time were different from what was presented today and on that basis of the plans that they saw that time, with parking away from the street, etc., the trees that were going to be left, that their group went along with this. It now appears that they wish to build a large funeral chapel, with a parking lot up to the street, leaving no buffer of trees. They asked that the application be denied.

Mr. Elmer Hoffnauer, 7116 Woodland Drive, said he attended the last hearing opposing the use permit. However, it was granted and the citizens accepted this in good grace. Now they are disappointed that the applicant wishes to do something else.

Mr. Cotton said he sympathized with the opposition and requested a 30 day deferral in order that the architect and engineer may review the site plan and bring it into conformity with the ordinance.

Mrs. Henderson said she would not consider the plan as presented today at all. This is too much for this piece of ground.

Mr. Yeatman moved to defer the application for 30 days.

Mr. Smith said if he could be assured that the applicant would meet the requirements of the Ordinance as to setbacks, parking and all other provisions, he would go along with a 30 day deferral but if not, the application should be denied. He seconded the motion to defer to December 6, with the understanding that the site plan presented at that time will conform to the Ordinance, not only in principle but in fact.

Motion carried unanimously.

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EDWIN LYNCH, TRUSTEE, application under Section 30-6.6 of the Ordinance to permit building under construction to remain closer to street property line than allowed, N. side of Edsal Rd. and south of new Edsal Rd., Mason District (I-G) V-446-66

Mr. Raymond Lynch said they owned 15 acres but the work on the Shirley Highway has split it up into four separate parcels. The building which they planned on one parcel was found to be in error by 2 ft. This was caused by a combination of errors. The architect put dimensions on the building; the engineer put the building on the site plan; they staked out the building before the Highway Department staked their property. When they ran the building location check they found out that they were in error. This is a pre-fabricated steel building. The steel had been fabricated and changing the dimensions of the building at that late date did not seem possible. They did not catch the error until the building was on the job. The only access is from the industrial access road. Old Edsal Road has a right of way of 60 ft. When land is taken by condemnation, the ordinance allows a 20% reduction in setback from limited access roads.

This building is about the maximum size you could put in this location, Mr. Lynch continued. At this time they have no plans for building anything else. This will be a garage for automobiles and trucks, a service garage that will be operated by the operator of the Esso station adjoining it. They service automobiles of people living in the area and trucks from the Shirley industrial area.

No opposition.

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EDWIN LYNCH, TRUSTEE - Ctd.

Mr. Yeatman moved that the application of Edwin Lynch, Trustee, application under Sec. 30-6.6 of the Ordinance, to permit building under construction to remain closer to street property line than allowed, north side of Edsal Rd. and south of new Edsal Rd., Mason District, be approved for a 17 ft. variance. The site plan was based on the 20% reduction allowed by the Zoning Administrator. The error came about through surveying or laying out of the building due to the unsettled condition of the road at that time. All other provisions of the Ordinance are to be met. Seconded, Mr. Smith, and carried unanimously.

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McLEAN TUTORING SERVICE, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of individual tutoring service, by appointment only, Lots 4, 5, 6 and 39, Block 4, West McLean Subdv. (1530 Chain Bridge Rd.), Dranesville District (R-12.5) S-447-66

Mr. Laken Phillips said he wished to operate a tutoring service for students who have difficulty with reading, arithmetic, etc. This would not be a school as such, no arts, music or collections. This would be academic tutoring. The house would be devoted entirely to the tutoring activity - no one would live in the house, but there are occupied residences on either side of it. This would operate after school hours, from 3:30 or 4:00 p.m. until 7:30 or 8:00 p.m. and on Saturday mornings from 9:00 a.m. to 12:00 noon. He would supervise the operation but would hire someone to take over the actual functions. There would be only two students at a time on the premises and they would be dealt with individually.

Mrs. Henderson noted that the Board should require more than three parking spaces on the property. There should be at least nine spaces.

No opposition.

Mr. Smith advised the applicant that in the event the application was granted, he would have to have approval from the Health Department and the Fire Marshal.

Mr. Smith moved that the application of McLean Tutoring Service, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of individual tutoring service, by appointment only, Lots 4, 5, 6 and 39, Block 4, West McLean Subdv., (1530 Chain Bridge Rd.), Dranesville District, be approved, providing the Health Department and Fire Marshal approve the limited use of this house and facilities for this proposed use and that it be limited to a total of six students and three tutors on the premises at any one time. Hours of operation from 3:00 p.m. to 8:00 p.m. weekdays, 9:00 a.m. to 12:00 noon on Saturdays. All other provisions of the Ordinance must be met. Nine parking spaces shall be provided. In no event will there be any on-street parking in connection with the proposed use. This is granted to the applicant only. Seconded, Mr. Yeatman. Carried unanimously.

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SPRINGFIELD MOTOR ASSOCIATION, (Howard Johnson's Motor Lodge), application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of an additional 22 units to motel - 2nd story, (6319 Augusta Ave) Mason District (CDM) S-450-66

Mr. Max Borges, architect, stated that they planned to add 22 units in the center building, over the 22 existing units. They are all one story buildings except the one in the corner. There are 123 units existing and with the addition there will be 145. The existing portico will be removed and after the second story is built, a new portico will be constructed. They will provide 22 additional parking spaces.

No opposition.

Mr. Smith moved that the application of Springfield Motor Association, (Howard Johnson's Motor Lodge), application under Sec. 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of an additional 22 units to the motel, second story (6319 Augusta Ave.), Mason District, be approved as shown on the plat presented, with an additional 22 parking spaces as shown. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM R. COGGINS, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day nursery, approximately 30 children; hours of

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WILLIAM R. COGGINS - Ctd.

operation from 7 a.m. to 7 p.m. five days a week, Lots 6 and 7, Block D, Courtland Park, (3412 Washington Avenue), Mason District (R-12.5) S-451-66

Mr. Elmer Holst, attorney, represented the applicant. Mr. Coggins has owned the property for three years, Mr. Holst stated, and the house has been vacant for approximately three months. Mr. Coggins at one time lived in the house but has since moved into an apartment. The Health Department and Fire Marshal have inspected the premises and all their requirements will be met. They plan to have thirty students, ages 1 through 4. They have two registered nurses, one of which would be an instructor, and one helper if needed. The children would come from the nearby community. People in the area have encouraged Mr. Coggins in this matter. This would be a business venture. Mr. Coggins will not operate the school; he will be overseer.

Mr. Smith asked if Mr. Coggins had been associated with any school previously. The answer was - "No".

Mrs. Henderson read reports from the Electrical Inspector, Plumbing Inspector, Mechanical Inspector, Fire Marshal and Building Inspector, all indicating approval.

Mr. Smith noted that the permit, if granted, would be to the applicant only, so if the house were sold, there would not be a permit for the school.

Opposition:

Mr. Joseph E. Ford, 3419 Washington Drive, presented a petition with 28 signatures, in opposition to the application. The school would be a nuisance to the area, would depreciate property values, would create a traffic hazard. There are nursery schools in the area and this one is not needed.

Mr. John Cassidy, President of the area citizens association, stated that there are office buildings nearby with inadequate parking space which means that people park on the street, sometimes blocking driveways. The school, if granted, would add to their troubles. He agreed with statements made by Joseph Ford.

Colonel John Deloge reiterated what had been said by others in opposition. He noted that a permit has just been granted for the construction of another office building on Leesburg Pike and it is very likely that this will create additional parking problems and further clog up the area.

Mrs. Huddleston, resident of the area for 10 years, said they took their covenants to court on both office building cases. She said that most of the residents of the subdivision moved there when their children were young and who have now grown up and left home, so the school would not be to serve children from the subdivision.

Mrs. Henderson read a letter from Mr. Robert W. Redwin in opposition because he wanted to keep the neighborhood as it has been. Mr. and Mrs. Gaver sent a letter of opposition also, because of narrow streets and traffic.

Mr. Holst said he did not see how Mr. Coggins could solve the traffic problem. In regard to the other protests heard, they are oftimes expressed by residents who resist something different in the neighborhood.

Mr. Smith said there had been no demonstrated need for the school. This is a very weak situation; it is apparent that it is a venture to a degree whereby Mr. Coggins would utilize his residence for the school and unless there is a great need in the community for a school, the Board has no authority to consider it. Apparently Mr. Coggins is not depending upon this situation for a livelihood, and denying the application would not be hurting anyone.

Mrs. Henderson explained that the Board does grant schools in the middle of residential neighborhoods that want them and when it is to serve the area but this is a completely different situation.

This is a very difficult decision to make, Mr. Smith said. There has been no demonstrated need for this use in the community. Also, in denying the application the Board is not denying the applicant of a reasonable use of his property. This is a very desirable residential area and can be utilized in that respect. Therefore, Mr. Smith moved

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WILLIAM R. COGGINS - Ctd.

that the application of WILLIAM R. COGGINS, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of a day nursery with approximately 30 children, Lots 6 and 7, Block D, Courtland Park, (3412 Washington Ave.), Mason District be denied. There has been no demonstrated need for this particular use in the immediate vicinity. Without this, and the fact that denying the application will not be denying the applicant a reasonable use of his property, the Board cannot grant the application. This is a very desirable residential area and can be utilized in that aspect. Seconded, Mr. Yeatman. Carried unanimously.

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RICHARD R. DAVIS, application under Section 30-6.6 of the Ordinance, to permit carport to be built 6.4 ft. from side property line, Lot 47, Section 1, Forest Hills, (4020 Honey Lane), Mason District (R-17) V-452-66

The applicant requested deferral. Mr. Smith moved to defer to November 1. Seconded, Mr. Yeatman and carried unanimously.

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SECOND BAPTIST CHURCH, (Mother Goose Nursery), application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of day care center and permit bldg. closer to street property line, approx. 100 children, property on north side of Costner St., adjacent to Southgate Subdivision. (R-10) S-453-66

Rev. Costner stated that at the present time they are operating the nursery and day care center in the lower auditorium in the basement of the church. They have been operating for approximately 12 to 15 years. Whenever they have something that requires use of both auditoriums, they must move furniture and this is very inconvenient. Sometimes when there are meetings on the church property during the day, the children are not allowed to go outside at recess time and this creates many problems. Sunday school classes are held there, many times resulting in something being broken that belongs to the Church school children. They wish to move the day care center out of the basement of the church. The building will comply with all Health and Fire regulations. The Church is purchasing adjacent property to their building, an old fraternal lodge which has been condemned and they hoped to buy for $1,000, however, when they went into buying it, no one had asked for exemption of taxes and there are about $1200 worth of taxes due on the property. The old building will be removed and a new one erected. Sewer is available to the site and there are no problems on site plan and drainage. They presently have 62 students enrolled; this is all the facility will accommodate. They are asking for 100 in the new application because there are other children who would attend if it is granted. The Church sponsors the school and Mrs. Thelma Nicholson is the operator. The school would operate from 8:30 a.m. to 5:00 p.m., and it is for 3 to 5 year olds. The school does serve lunches and the same children stay all day. The children will not all be outside at one time. They have checked with the proper authorities and 100 children would be allowed. The playground area will be fenced.

No opposition.

In the application of SECOND BAPTIST CHURCH, (Mother Goose Nursery), application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of day care center and permit building closer to street property line, approx. 100 children, property on north side of Costner St., adjacent to Southgate Subdivision, Mr. Smith moved that the application be approved for a maximum number of 100 children at any one time in the proposed building; hours of operation 7 a.m. to 6 p.m., 12 months a year, children ages 3 through 6, in a building proposed on church property and a parcel that is being acquired by the church. There are no indications that the variance would in any way affect adversely or be hazardous to adjacent property owners. The application is granted in conformity with plat submitted. Board will recommend waiver of the site plan. Seconded, Mr. Yeatman. Carried unanimously.

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JOSEPH T. BRADY, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage 9 ft. from side property line, Lot 23, Block L, Sec. 4, Mosby Woods, (10233 Confederate Lane), Providence District (R-12.5) V-454-66

Mr. Brady requested that they be allowed to construct within 9 ft. of the property line, which would give them a 12 ft. garage.

October 25, 1966

JOSEPH T. BRADY - Ctd.

Mrs. Henderson asked how many houses in Mosby Woods have garages. Mr. Brady said there are several under construction at the present time.

Mr. Smith recalled several requests for carports in Mosby Woods which the Board denied. This is a garage, he pointed out, and the Board should have additional information on this.

Mrs. Henderson said she would like to look at Mosby Woods before granting any variances for garages.

No opposition.

Mr. Smith moved to defer to December 6 to view the property. Seconded, Mr. Yeatman. Carried unanimously.

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ROBERT M. AMEY, application under Sec. 30-6.6 of the Ordinance, to permit erection of a private swimming pool 5 ft. from side property line, Lot 45, Sec. 3, West Gate (3905 Westgate Drive), Mt. Vernon District (RE 0.5) V-455-66

Mr. Pennsawater from the Pool Company, and Mr. Amey, were present.

This is the only actual location for constructing the pool, Mr. Pennsawater explained, without going into the back where the garden and driveway are located. The pool would be approximately 20 ft. by 40 ft. and the only reason for the variance request is because the pool is planned for the side yard rather than the rear yard.

Mr. Amey noted that the plats did not show the patio adjoining the house, nor the driveway which takes up considerable space in the rear. He has about $1200 - $1500 worth of planting in the rear yard garden which would have to be removed if the pool were constructed there. This is the only place he would consider putting the pool, he said.

Mrs. Henderson said she would not consider the application until the neighbor closest to the pool had been notified as he would be the one most affected and should know about it.

No opposition.

Mr. Yeatman moved to defer the application until the next door neighbor has been notified and the Board members could view the property. Seconded, Mr. Smith. Deferred to November 1. Carried unanimously.

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ANDERSON CONSTRUCTION CORP., application under Section 30-6.6 of the Ordinance, to permit dwellings to remain closer to street lines than allowed, Lots 26 and 27, Carriage Hill (2031 and 2035 Carrhill Road), Providence District (RE-1) V-456-66

Mr. Swayze represented the applicant. Lot 26 contains 40,000 sq. ft.; Lot 27 contains 40,510 sq. ft. Each of the lots is developed with a $55,000 home. The people have moved into one already and the other one is finished. Both lots have the same topographic problem, a very sharp grade in the back of each lot of about 40%, being a hillside. This presented a problem in setting the houses on the lots. Mr. Anderson is an experienced developer. He applied for the building permits and submitted plats showing the houses to be located within the required setbacks on the side lines and the front line. These were approved by the County until he got to the Health Department and they recommended moving the houses forward in order to fit the septic at a better advantage on the slope. They went back to Zoning asking to resituate the houses as shown on the plats. They were assured that this was satisfactory, and the houses were built in these locations. The completed house on Lot 27 was stamped final approval. When he came in for approval on Lot 26 it was discovered that the house was closer to the line and he was told that he must ask for variances on both houses although final approval on the one house was given in error. If the houses are moved back they will be over the brow of the hill and create septic problems.

Mrs. Henderson agreed that there were two mistakes on Lot 27 -- initial approval and intermediate approval.

Mr. Anderson has been constructing in Fairfax County since 1953 and has had no other problems in locating houses before, Mr. Swayze stated.

A letter from Mr. and Mrs. Norcross, 2038 Carrhill Road, indicated that they had no objections to the application.

No opposition.

In the application of ANDERSON CONSTRUCTION CORPORATION, application

ANDERSON CONSTRUCTION CORP. - Ctd.

under Section 30-6.6 of the Ordinance, to permit dwellings to remain closer to street lines than allowed, Lots 26 and 27, Carriage Hill, (2031 and 2035 Carrhill Rd.), Providence District, Mr. Smith moved that the application be approved as applied for in conformity with plat submitted. It is understood that the developer will notify the purchasers of both homes of the variances. Seconded, Mr. Yeatman. Carried unanimously.

// DEFERRED CASES:

NELSON CASTNER, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 16 ft. from rear property line, Lot 56, Annandale Sub., (7263 Maple Place), Falls Church District (C-D) V-429-66

(Deferred from September 20 for proper notification.)

Mr. Nelson Castner described the situation as coming about on submission of their site plan, when the Planning Office said they wanted an 11 ft. driveway across the front of the property so that when adjoining properties were developed it could make possible going from one lot to the other without using Maple Street itself. This took away two of their required parking spaces. The only way to squeeze in the required parking is to eliminate the grass planting strip between the building and the parking lot. They plan to move the building back 4 ft.

Mr. Knolton explained that the Planning Staff required a modified service drive.

Plans have been drawn for the building, Mr. Castner continued, and this was done before they realized that the modified service drive had to go in. They have talked with the Mooneys and they are not interested in selling any of their land so there is no way they can increase the size of their property. This would be a two story building for office use. Mr. Castner, Certified Accountant, would occupy part of the building and rent the remaining offices with the hope that someday he would occupy the entire building. The present building will be removed.

Mrs. Henderson felt that the applicant was planning too much for this piece of property. There are no topographic reasons for granting a variance on this piece of ground. The use should be made to fit the property.

No opposition.

The adjoining property owner in the rear has no objection to the application, Mr. Castner stated. They could probably meet the parking requirements by squeezing all the parking spaces up against the building.

Mr. Smith moved that the application of Nelson Castner be approved as applied for. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman.

Mrs. Henderson voted against the motion because she felt it was squeezing too much on the property. 2-1, resulting in No-vote. Will be decided at the next meeting.

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HERMAN L. CROOM, application under Sec. 30-6.6 of the Ordinance, to permit erection of a carport 10 ft. from side property line, Lot 1053, Section 11, Lake Barcroft (3302 Potterton Dr.), Mason District, (R-17) V-427-66

(Deferred from September 27 at the applicant's request.)

Mr. Croom said he felt the carport was needed in order to provide shelter from wind, rain and snow when leaving or entering the car from the house, also to provide protection to the car and easy and comfortable starting of the car. The proposed location is the only suitable one for a carport as it provides direct access to the kitchen door which was designed to serve the driveway or a future carport. To reach a carport on the other end of the house would require walking around the house with no shelter available. A satisfactory carport at the rear of the house would be difficult to construct because the ground slopes away from the house and the location would require a considerable amount of fill and extra pavement, also it would block a large picture window in the kitchen or the main window providing light in the recreation room.

HERMAN L. CROOM - Ctd.

Mr. Croom continued -- his neighbors' house at 3304 Potterton has no windows on the side facing his property and is located 18 ft. 10 in. from the line, thus, there would be a total of 28 ft. 10 in. between the proposed carport and the neighbors' house. The proposed carport, therefore, should not create a fire hazard or other problems. All the immediate neighbors on both sides of the street, including the owners of property next door, have signed statements that they have no objection to the proposed construction. Everyone believes that the proposed carport would tend to increase the value of properties in the neighborhood.

No opposition.

Mr. Smith said he would go along with setting the posts at the 12 ft. line with a 3 ft. overhang which would give an excellent carport. This would be 13 ft. from the property line and allow a 12 ft. carport with 3 ft. overhang. This is the maximum variance the Board has the authority to grant. In the application of Herman L. Croom, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 1053, Sec. 11, Lake Barcroft (3302 Potterton Drive), Mason District, Mr. Smith moved to grant the application to permit construction of a carport, placing the posts 13 ft. from the property line, with not more than 3 ft. overhang. This is in conformity with the variance section of the Ordinance. This was purchased by the owners prior to this Ordinance and at that time they could have been allowed a carport ~~within~~ 5 ft. ~~of the property line~~; also, this is granted because of the sloping back yard. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously. This amounts to a 12 ft. carport instead of 15 ft. as shown on the plat.

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of public recreation park, West side of Hunter Mill Rd., (Lake Fairfax property), Centreville District (RE-1 and RE-2) S-404-66

Deferred from October 11 at the applicant's request.

The Board was gracious enough to grant a deferral at the applicant's request at the last meeting, Mr. Smith said, and he wondered whether the Park Authority would be gracious enough to allow him to ask for deferral on the application until such time as a full Board is present. This has been on the agenda for a long time, and he did not think it was affecting the Park Authority. The application, he felt, was not filed in keeping with the Ordinance. No section of the Ordinance was mentioned in connection with the application. He asked to defer to the last meeting in November.

According to certain interpretations, Mrs. Henderson said there was no section for them to file under.

The Park Authority filed the application at the Board's request, Mr. Bell stated, and it was the Commonwealth's Attorney's opinion that they did not come under use permit.

Mr. Smith moved to defer to December 6 for full Board to be present. Seconded, Mr. Yeatman. Vote was 2-1, Mrs. Henderson voting against the motion as she felt the case should be disposed of today. Board will vote on the deferral again when there are more than three members present.

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NEW CASE:

MILDRED W. FRAZER, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten thru 5th grade, approx. 100 children; hours of operation 9 a.m. to 3 p.m., Lots 1, 2, 3, 4, 31, 32, 33 and 34, Block B, Sec. 2, Mt. Zephyr, (Wesley Methodist Church), 8412 Richmond Avenue, Mt. Vernon District (R-17) V-466-66

Mrs. Frazer, operator of Kenwood School at Plymouth Haven Baptist Church, stated that she must move from that location and has been trying to find a spot where she would not be involved in church activities. However, she has been unable to work out anything thus far. She would like to be permitted to have 100 children in the Wesley Methodist Church. The registration is pretty much settled for this year. There is plenty of playground space, plenty of parking, and the church is very much in favor of this. This is a 3 to 4 acre tract of ground. She will have kindergarten for a 3 hour period, with first grade, second, third, fourth and fifth grades. There is adequate space for 100 students.

No opposition.

Mrs. Henderson read the County Inspection reports, all in favor.

October 25, 1966

MILDRED W. FRAZER - Ctd.

Mr. Smith moved that the application of MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, kindergarten through 5th grade, approximately 100 children; hours of operation 9 a.m. to 3 p.m., Lots 1, 2, 3, 4, 31, 32, 33 and 34, Block B, Sec. 2, Mt. Zephyr (Wesley Methodist Church), 8412 Richmond Avenue, Mt. Vernon District, be approved for a maximum number of 100 children at any one time. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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E. E. LYONS CONSTRUCTION COMPANY - Complaint by Mrs. Lawrence Ryan.

The Board has had several complaints, Mrs. Henderson advised Mr. Lyons, that the Lyons operation has exceeded its non-conforming status and has expanded.

Mr. Frank B. Swart represented Mr. Lyons, stating that the original non-conforming use was for storage of equipment; later on, they obtained a use permit for an office. The complaint is probably with regard to storage of equipment. The list which Mr. Lyons prepared and gave to Mr. Woodson shows the equipment which he had in 1949, some 23 pieces of equipment. The equipment changes through the years, but he still has 23 pieces of equipment.

One of the complaints was that although there might be the same number of pieces of equipment on the property, the 23 pieces now are of vastly greater size, intensity and use over what was there, Mrs. Henderson advised. Did they have a large crane in 1940?

No, they did not, Mr. Lyons replied, but the crane is not kept in the yard. In 1940 they had a 40 ft. elevator and tower used for lifting material upon buildings. They no longer have that. The crane is used for the same thing.

Mrs. Henderson asked if Mr. Lyons acquired the I-L property which belonged to the Bradfords.

They did buy it, he replied, and they keep all the heavy equipment in that yard.

The Board of Supervisors Minutes of the rezoning hearing reflect that it was stated that Mr. Bradford had a contract to sell to Mr. Lyons who would store trucks and equipment on the rear of the property. Everyone felt that they were going to move all the equipment down there.

At present all the trucks and heavy equipment are on that property, Mr. Swart stated, but Mr. Lyons never indicated to anyone that he would keep everything down there. He did not apply for that rezoning.

Is there any reason why a rezoning application has not been filed on the present property, Mrs. Henderson asked?

Pbobably because it would not be granted, Mr. Swart replied.

Mr. Lyons said he was not present at the rezoning hearing. He had a contract to purchase the property at one time. A rezoning application was filed and it was not granted. Later on, Mr. Bradford got it rezoned and it was sold to Mr. Lyons.

The application made by Mr. Bradford was denied in October 1960, Mrs. Henderson noted. Then Mr. Martin Eugene Morris represented Mr. Bradford and said that he had a contract to sell to Mr. Lyons "who plans to store his trucks and equipment on the property." Just reading that would make one think he was going to move everything up there, Mrs. Henderson said.

Mr. Lyons said they could not build a building on the Bradford property because there was no sewer available and the property would not take percolation for septic tank. Sewer should come in before long. There is septic at the non-conforming location. There was no contract with the Bradfords when they applied for the second rezoning -- they got it rezoned and then asked if Mr. Lyons still wanted it. There are 15 3/4 acres in the entire tract and 2 acres of this in the Company's name. Mr. Tomblyn bought 2 acres in front with the filling station on it. It is all Industrial. They have made about 35 holes on the property and none of it will perk.

Mr. Smith went over the list of equipment that was on the property in 1940 with Mr. Lyons.

Mr. Marvin Lyons, son and general superintendent of the business, said that what his father had named off was all they have on the property.

They do bring in equipment for maintenance and repair, he continued; they repair it in the shop and then it is moved off the property. The shop was there in 1941.

Mr. Covington said he had inspected the property, and had told Mr. Lyons that he could have whatever equipment he had in 1941, or of a similar nature. Standing on Route #7, he said one could not tell this was a storage yard for equipment. It is a good looking piece of property. To his knowledge, Mr. Covington said Mr. Lyons had moved everything that should not have been on the property.

Mr. Lyons said he did not know they were violating any rules by bringing in equipment for repair and maintenance.

Mr. Smith felt that the large equipment should not be repaired on this property, but anything that is similar to what was there in 1940 would be all right -- for example, if there are three bulldozers similar to what was there in 1940, same size, etc. that would be all right.

In 1941 there was a large carpenter shop on the property which is not there now, Mr. Lyons said.

Dropping any of the uses that were there in 1941, Mr. Smith said, is fine but they cannot be increased.

Mrs. Henderson summed up by saying they could bring in any equipment for maintenance that they owned in 1941, of the same size but not bigger things than existed then. The people object to the turning movements on and off the highway.

Mr. Lyons said he would keep the large equipment off the property.

Mr. Smith moved to recess discussion for 30 days for another report from the Zoning Administrator.

Mr. Lawrence Ryan appeared in opposition, presenting a statement from C. S. Coleman, Soil Scientist, that the property at Daleview did perk.

The tests were made on a hilltop, Mr. Lyons said, and since then they have cut off the hilltop so they would have a level yard and now the property will not perk because they have cut down into shale.

Mr. Ryan also objected because there were no road signs warning the public of industrial equipment entering or leaving the highway. Also, maybe the property looked all right when Mr. Covington inspected it, but it has changed since, he charged.

Mr. Lyons said that E. E. Lyons, Inc. purchased the 17 acres of land. E. E. Lyons Construction Company bought back 2 acres of it. They are two different corporations.

Mr. Covington was asked to pursue the sign situation with the Highway Department.

Mr. Smith asked that Mr. Lyons make application for site plan approval, or at least get a temporary permit to occupy the Daleview property. Mr. Covington should inspect the property and make another report December 6.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.,
Chairman

Date December 20, 1966

November 1, 1966

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 1, 1966 in the Board Room of the Fairfax County Courthouse. Messrs. Yeatman, Barnes and Smith were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

ROBERT A. PERKINS, application under Section 30-3.5.8 of the Ordinance, to permit modification and elimination of screening on north and east boundaries of the shopping center, (Chesterbrook Shopping Center), 6222 thru 6244 Old Dominion Drive, Dranesville District (C-D) V-459-66

Mr. Perkins stated that he had notified five property owners in accordance with the County Ordinance requirements, however, he had forgotten to bring them to the meeting; they were probably on his desk in his office.

Mr. Hansbarger, attorney for the applicant, requested that they be allowed to withdraw the application without prejudice rather than defer it and if the applicant wishes to refile, he could.

Mr. Smith moved to allow the application to be withdrawn at the applicant's request, without prejudice. This would give him an opportunity to refile at any date that he decides to pursue the application further. Seconded, Mr. Barnes.

A number of people were present in opposition, stating that everyone who would be affected by the application was aware of it, and they would go along with a waiver of the notification requirement. They had no objections to withdrawal of the application on a permanent basis but would oppose withdrawing it temporarily.

Mr. Smith felt that there was a good chance that the application was being withdrawn permanently, but under the circumstances he did not want to jeopardize the applicant's position in the matter of coming back at some future date, perhaps for a modification. Apparently Mr. Hansbarger has just taken the case because he always comes up well prepared.

His advice to the applicant this morning, Mr. Hansbarger said, was to withdraw the case, not on a temporary basis, but a permanent basis. They have not discussed it further, but his advice has been to withdraw on a permanent basis.

Messrs. Smith, Barnes and Yeatman voted in favor of the motion to withdraw. Mrs. Henderson voted against the motion as she felt the case should be heard and possibly deferred. Motion carried 3-1.

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RICHARD F. BABLER, application under Section 30-6.6 of the Ordinance, to permit carport to remain as built 10 ft. from side property line, Lot 643, Block N, Section 6, Monticello Woods, (6424 Meriwether Lane), Lee District (R-12.5) V-458-66

The notices were dated October 30 and did not meet the 10 day requirement, however, it seemed that everyone was aware of the hearing and since the property was properly posted, the Board agreed to go on with the hearing.

Mr. Louk, builder of the carport, said they were supposed to build it 12 ft. from the line, however, it turned out that the carport was 12.3 ft. wide.

The certified plats presented today show the initial request to cover the entire slab, Mr. Babler said. This request was denied. Then they moved the posts in the way they understood they could do. The distance from the house to the supporting posts is 10.3 ft. and from the posts to the side line it is 11 ft. Their understanding from the Board was that they could move the posts in 1 ft. and it would be all right. This would allow a 10 ft. carport, so this is what was built. Later they got notice of a violation.

The posts are 10 ft. from the house with a 2 ft. overhang, Mr. Louk added, and the overhang covers the slab.

Mrs. Henderson felt that the Board should have a correct certified plat before making a decision.

November 1, 1966

RICHARD F. BABLER - Ctd.

If the posts are moved back 1 ft. the carport becomes unusable, Mr. Louk stated. There is a step coming out which precludes getting closer to the house.

The Inspectors report says the carport is 11 ft. from the side line, Mrs. Henderson said, which is 1 ft. off and the Board was certainly in error in looking at the original plats. The plats are wrong.

No opposition.

Mrs. Henderson felt that the application merited favorable consideration as the Board made the mistake based on wrong information on the plats and this was no fault of the applicant.

In view of the error on the surveyor's plats in connection with the original request for variance, and since the Board did make statements concerning a 10 ft. carport, these statements being based on the certified plats before the Board at that time which would have allowed a 10 ft. carport with normal overhang, Mr. Smith felt that the application should be approved. Also, taking into consideration statements made by the builder and the applicant that the carport could not be used if the supporting posts were moved in another foot, Mr. Smith moved that the application of Richard F. Babler, application under Section 30-6.6 of the Ordinance, to permit carport to remain as built 10 ft. from side property line, Lot 643, Block N, Section 6, Monticello Woods, (6424 Meriwether Lane), Lee District, be approved as applied for. This is a carport that is actually 11 ft. from the property line and not 10 ft. as indicated in the application. This is in accordance with the Zoning Inspector's report to the Zoning Administrator. The error amounts to about 12 inches. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. 4-0

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PHILIP C. BOWERS, application under Section 30-6.6 of the Ordinance, to permit erection of an open porch 5 ft. from side property line, Lot 42, Section 2, Westhampton, (2132 Greenwich St.), Dranesville District (RE-1) V-457-66

Mrs. Bowers explained that their house is located in front of both of the neighbors' houses and if they built in the back of their house, it would be in their neighbors' front yards. Their house sets back approximately 90 ft., while one neighbors house is 120 ft. and the other about 200 ft. back. The porch would extend out from the house about 10 ft. There is no garage or carport on the house.

Apparently this is a very unusual situation, at least as far as the placement of the houses is concerned, Mr. Smith commented.

Mrs. Henderson pointed out that the narrow lots in this particular zone make building very restricted. This is one acre zoning but the house is on 15,000 sq. ft. with 70 ft. frontage.

Mrs. Bowers said their house was built in 1954 and the one on the porch side was built about the same general date. The other house next door was built last year. The septic tank is in the back of the house.

No opposition.

Mr. Yeatman moved that the application of Philip C. Bowers, application under Section 30-6.6 of the Ordinance, to permit erection of an open porch 5 ft. from side property line, Lot 42, Section 2, Westhampton, (2132 Greenwich Street), Dranesville District, be approved to permit erection of ppen porch to be screened, to remain as such, as there is no other location for the porch. This is an old subdivision. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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ALAN T. SPIHER, application under Section 30-6.6 of the Ordinance, to permit erection of double garage with rooms above 5 ft. from side property line, Lot 66, Sec. 2, Chestnut Hill, (8332 The Midway), Falls Church District (R-17) V-461-66

Notices were not dated 10 days in advance of the hearing, but since signatures of the neighbors were presented, and since the property was properly posted, the Board agreed to proceed with the hearing.

November 1, 1966

ALAN T. SPIHER - Ctd.

This is a very large piece of property, Mr. Spiher said, with a house set in the middle of perhaps 1 1/2 acres.

Mrs. Henderson noted that the request was for a terrific variance and if granted, the Board could only allow a single carport. She suggested putting it in the rear as a separate garage.

Mr. Spiher said it was necessary for him to make some living space for his mother and it should be attached to the house to permit her to have access to the house, otherwise, the double garage could go in the rear. He plans to have a bathroom and bedroom above the garage. They have city water but are on septic at present.

It could be put in the rear and still be attached to the house, Mrs. Henderson said; the driveway could be carried around and could come into the garage in the back.

A college is being planned for the area, Mr. Spiher stated, and there will be a 50 ft. setback from the college, and since they will be next to the parking lot, the addition would not adversely affect anyone.

Mr. Smith said he doubted very seriously that it would affect anyone but the Ordinance is very clear on variances; the applicant must establish a hardship. In this case there is an alternate location for a garage. The application far exceeds the minimum limits the Ordinance allows this Board to grant. The applicant has applied for what he feels is best suited to his situation and not a minimum.

The property line in the rear is not a straight north to south line on that side, Mr. Spiher said. On the west side of the house it would be very difficult to turn around and get in and out.

Mr. Smith asked how close to the septic tank would the proposed addition be.

It is 7 ft. directly in front of the house, Mr. Spiher replied; about 12 to 15 ft. east of the edge of the garage. The house was built 4 or 5 years ago and the Spihers are not the original purchasers.

The applicant probably could not meet Health requirements, Mr. Smith said. Certain distances must be maintained from the tank and field and today he would not be allowed to have the house 7 ft. from the septic field.

Would the septic tank allow an extra bedroom and bathroom, Mr. Yeatman asked?

That is the next step after getting the permit from this Board, Mr. Spiher answered.

Mrs. Henderson said she felt the request was for too much and could see no need for a variance. The applicant can build a 10 ft. garage with rooms above as long as he stays 15 ft. off the sideline.

No opposition.

Mr. Smith moved that the application of Alan T. Spiher, application under Section 30-6.6 of the Ordinance, to permit erection of double garage with rooms above, 5 ft. from side property line, Lot 66, Section 2, Chestnut Hill (8332 The Midway), Falls Church District, be denied for the following reasons: the application does not meet the requirements of the variance section of the Ordinance and far exceeds the limits set forth in the Ordinance for hardship variances. There are other factors here that the applicant should check out prior to further plans for construction -- the fact that he is on septic tank and field and the tank is close to the proposed addition. There is an alternate location for a garage on the property. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL CO., application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station and permit pump islands closer to r/w line than allowed, SW side of Leesburg Pike, Rt. 7 and Old Leesburg Rd., Dranesville District, (C-D) S-463-66

Mr. Hansbarger represented the applicant.

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CITIES SERVICE OIL CO. - Ctd.

The proposed gas station is located near the Gem Store, Mr. Hansbarger stated. The one that was granted on September 27 is located on the other side of the interchange, about 1 or 1 1/4 miles away. He showed the layout of the proposed shopping center and said that widening of Old Leesburg Pike had already been taken care of on the site plan for the shopping center; also, service road in the front. As far as architecture is concerned, it is felt that it would be somewhat comparable to what is shown on the rendering and in accordance with the shopping center itself.

Representative from Cities Service in charge of construction stated that their basic plan is of block but it would blend in and become a compatible part of the shopping center. The exterior brick of the station would be a relatively red brick, just like in the overall shopping center design.

The applicant should be entitled to consideration on the 15 ft. distance from the right of way line, Mr. Smith said, since the service road was dedicated by these people or the people they purchased the property from.

Mr. Hansbarger said he would rather the Board did not give them credit for it, just in case, but give them a variance on the pump island. This would be a three bay station.

Mrs. Henderson read from Section 30-11.7 in the Ordinance and said she would rather stick with the language in the Ordinance than grant a variance as she felt there was no need for a variance.

It was the Board's opinion that the plats presented met the requirements of Section 30-11.7, paragraph 2.

No opposition.

Mr. Smith moved that the application of Cities Service Oil Co., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station and permit pump islands closer to right of way line than allowed, SW side of Leesburg Pike, Rt. 7 and Old Leesburg Road, Dranesville District, be approved as applied for in conformity with plats submitted. The application meets the requirements of Section 30-11.7, paragraph 2 of the Ordinance to permit pump islands within this setback from the right of way line. Construction of the building shall be in conformity with the development of the shopping center, basically, it has been stated that it is to be a ranch type design, brick construction. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

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ALLAN J. FRANCISCO, application under Section 30-6.6 of the Ordinance, to permit erection of carport 4.9 ft. from side property line, Lot 44, Section 3, Marlboro Estates, (1822 Deer Drive), Dranesville District, (R-12.5) V-460-66

Letter from the applicant requested withdrawal. Mr. Barnes moved to allow the applicant to withdraw the application. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES:

HOLLIN HILLS, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 13.43 ft. from side property line, Lot 28, Section 20, Hollin Hills, (7508 Range Road), Mt. Vernon District (R-17) V-419-66

(Deferred from September 22 at applicant's request as he was out of town.)

Mr. Davenport did not have copies of his notices and requested that the application be placed at the end of the Board's agenda to enable him to get them.

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HELICOPTER ENTERPRISES, INC., application under Section 30-7.2.4.1.2 of the Ordinance, to permit operation of heliport, south side of #1 Highway, (Mt. Vee Motel property), Mt. Vernon District (C-G) S-425-66

This is not permitted in C-G zones, Mrs. Henderson said, and it will have to be taken off the agenda. The Ordinance will have to be amended.

Mr. Smith moved to defer to November 22 for the applicant to decide

HELICOPTER ENTERPRISES, INC. - Ctd.

whether he wishes to withdraw the application or pursue the amendment. Seconded, Mr. Barnes. Carried unanimously.

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W. O. QUADE, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot 49, Buffalo Hill, on Nicholson St., Mason District (R-12.5) V-437-66

(Deferred from October 11 for new plats and to view.)

Mr. Quade said he would have to remove six trees for the house and driveway. He plans to build a house on Lot 49 and has no plans for Lot 51. Lot 50 where he lives now will be sold.

Mr. Yeatman moved that the application of W. O. Quade, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot 49, Buffalo Hill, on Nicholson Street, Mason District, be approved in accordance with new plats received showing Lots 49, 50 and 51 with the red line designating the division of the lot on this plat. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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GRAYSTON W. CHAPMAN, application under Section 30-6.6 of the Ordinance to permit erection of carport 9 ft. from side property line, Lot 4, Reddfield Subdivision, (2216 Reddfield Drive), Dranesville District (R-17) V-438-66

(Deferred from October 11 to view the property and for the applicant to consider cutting down the size of the carport.)

The property has been viewed, Mrs Henderson said, and it seems the size of the carport could be cut down. There is also an alternate location in the rear.

Mr. Chapman said he could cut down the size of the carport but preferred to build it as planned. There are steps coming out of the side door which create an obstruction as far as the use of the carport is concerned.

Even with 18" of steps, Mr. Smith felt the applicant could get by with an 11 ft. carport.

Mr. Yeatman suggested setting the posts in and making it 11 ft. between the posts and the house.

Mr. Smith moved that the application of Grayston W. Chapman, application under Section 30-6.6 of the Ordinance to permit erection of carport, Lot 4, Reddfield Subdivision (2216 Reddfield Drive), Dranesville District be approved for a carport 14 ft. from the line rather than 9 ft. as applied for. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

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MARION LELAND, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 21, Hillside Manor, (6803 Dean Drive), Dranesville District (R-12.5) V-445-66

(Deferred from October 11 to view.)

After viewing the property, Mrs. Henderson said she could not see what the hardship is. What is special about this lot that does not pertain to the other houses on the street? There is only one carport on the street and that is on the corner. This would be a special favor to the applicant if the application were granted. The Board has no justification for granting a variance in this case. All the other houses on the street would be in for variances and this would be in effect changing the zoning in the area. The house that does have a carport had enough room for it and it is a different style house.

Mr. Smith suggested a 10 ft. carport with 3 ft. overhang which would not need a variance.

Mr. Carstens, builder, said he was planning to build an 11 ft. roof with a railing around the top.

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MARION LELAND - Ctd.

The roof would not be utilized, Mr. Carstens continued, but would merely have a 24" high decorative railing around it.

Mr. Yeatman moved to defer to November 22 for decision only, to allow Mr. Carstens to work out plans for building the carport, setting the posts at 10.9 ft. from the building. Seconded, Mr. Barnes. Mrs. Henderson voted against the motion. She was against granting any variance at all as the applicant could have a 10 ft. carport with railing around the 10 ft. This is a level lot and a carport could be put on the back of the lot. The application should be denied today. Carried 3-1.

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RICHARD R. DAVIS, application under Section 30-6.6 of the Ordinance, to permit carport to be built 6.4 ft. from side property line, Lot 47, Section 1, Forest Hills, (4020 Honey Lane), Mason District (R-17) V-452-66

Mr. Davis and Mr. John O'Keefe were present.

The reason for the request, Mr. O'Keefe explained, is that Mr. Davis wants to have off street parking which he presently has at his house but not covered off street parking and in order to park two cars it would be necessary to have the width shown on the plat to keep two cars off the street.

He could keep two cars in the driveway, Mrs. Henderson suggested.

The lot is a sloping lot and adjoins the proposed nursing home site, Mr. O'Keefe stated.

Why wouldn't it be possible to put two cars under cover in tandem, Mr. Smith asked?

The storage is not a firm proposal, Mr. O'Keefe said, and this could easily be deleted from the proposal.

The applicant could have an 11.4 ft. carport with no variance, Mrs. Henderson noted.

Mr. Davis had considered putting the carport in back but the back portion of the lot is flat with no obstruction, and he felt that to put the carport in the rear as a separate structure would be detrimental to the neighborhood. It would not be as pleasing to the neighborhood as this proposal.

Mrs. Henderson said there was no justification for granting a double carport. The Ordinance is based on minimum and not maximum. The Board has no authority to go beyond the minimum in relieving hardships. The applicant could have an 11.4 ft. carport with no variance, and by having a 3 ft. overhang, this would give him 14 ft. of protection. The fact that the neighbors do not object has no bearing on this case.

No opposition.

Mr. Smith moved that the application of Richard R. Davis, application under Section 30-6.6 of the Ordinance, to permit carport to be built 6.4 ft. from side property line, Lot 47, Sec. 1, Forest Hills (4020 Honey Lane), Mason District be denied because it does not meet the hardship requirements set up in the variance section of the Ordinance, as to hardship or topographic conditions. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT M. AMEY, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 5 ft. from side property line, Lot 46, Section 3, Westgate (3905 Westgate Drive), Mt. Vernon District, (RE 0.5) V-455-66

Deferred from October 25 for decision only and for notices to be sent to the adjoining neighbor.

Mr. Tom Cain, adjoining neighbor, said he had been unaware of the first hearing. There is a fence that the Ameys erected between his property and theirs, a 6 ft. high stockade fence. He objected to the proposal to build a pool so close to his property. There is quite a difference in slope between the Amey property and his, his being quite a bit lower. The pool could create a serious problem to his home if it leaked.

ROBERT M. AMEY - Ctd.

This is a quiet neighborhood, Mr. Cain continued, and he wished it to be kept that way. He would object to noise created by users of the pool.

Mr. Yeatman moved to defer to December 8 to view the property. Seconded, Mr. Smith. Carried unanimously.

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NELSON CASTNER, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 16 ft. from rear property line, Lot 56, Annandale Subdivision (7263 Maple Place), Mason District (C-D) V-429-66

(Deferred from October 25 for full Board to vote. At previous hearing Messrs. Smith and Yeatman voted in favor of the application; Mrs. Henderson voted against the motion, thereby resulting in a "no vote".)

Mr. Yeatman moved that the application of Nelson Castner, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 16 ft. from rear property line, Lot 56, Annandale Subdivision (7263 Maple Place,) Mason District, be approved as applied for. All other provisions of the Ordinance to be met. Seconded, Mr. Smith, who added that he felt it would work a hardship on the applicant if he were required to cut off 4 ft. of the building. This should be granted in order to alleviate the hardship, provide proper circulation of traffic, get needed parking and provide an area for plantings. Also, because it adjoins C-D zoned property and this is a rear setback and not a front setback involved. If it were front setback, he would not consider voting for it under any circumstances. This is a minimum variance that could be granted for construction of the building. Motion carried 3-1, Mrs. Henderson voting against the motion -- the developer of the land should accommodate his parking, building and esthetic desires to all County requirements, and there is no hardship as defined in the Ordinance.

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of public recreation park, west side of Hunter Mill Rd. (Lake Fairfax property), Centerville District, (RE-1 and RE-2)S-404-66

No vote at the last meeting on motion to defer to December 6.

Mr. Yeatman restated his motion to defer to December 6. Seconded, Mr. Smith. Carried 3-1, Mrs. Henderson voting against the motion as she felt it should be taken off the agenda.

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HOLLIN HILLS, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 13.43 ft. from side property line, Lot 28, Section 20, Hollin Hills, (7508 Range Road), Mt. Vernon District, (R-17) V-419-66

Mr. Davenport returned with his notices. This is a simple matter of a mechanical error made by one of his workmen, he stated. This is his first time before this Board in the 20 years he has been building. The workman made a 32" mistake in laying out the house and it was not discovered until the foundation and walls were up and the survey was made. This makes the house approximately 1 1/2 ft. closer to the setback line than it normally would have been. There was plenty of room for the house.

No opposition.

Mr. Smith moved that the application of Hollin Hills, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 13.43 ft. from side property line, Lot 28, Sec. 20, Hollin Hills, (7508 Range Road,) Mt. Vernon District, be approved as applied for. This application meets the variance section of the Ordinance under paragraph 4 which provides for granting variances in cases of error in construction and stakeout. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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Bellvue Management Associates - Request for extension of 6 months on variance granted on setback lines for temporary trailer bank:

Mr. Smith moved that Bellvue Management Associates be granted an extension of 6 months from November 10. Seconded, Mr. Barnes. Carried unanimously.

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November 1, 1966

SLEEPY HOLLOW MANOR NURSING HOME - Request 6 months extension as they are having trouble with financing:

Mr. Smith moved to grant a 6 months extension from expiration date of the previous extension. In the future unless they apply for an extension prior to their expiration date they are in trouble. This amounts to a 3 months extension as the previous extension expired in August. Seconded, Mr. Yeatman. Carried unanimously.

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The meeting adjourned at 1:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

December 20, 1966
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 22,1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L.J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

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The Board welcomed their new member, Mr. Joseph P. Baker.

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Mrs. Henderson asked that the minutes reflect the Board's feelings regarding the untimely death of Judge Paul Brown. Each Board member owes him a debt of gratitude for being appointed by him as a member of this Board, and it is hoped that the Board shall continue to live up to his faith and sense of duty.

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ROBERT REED, application under Section 30-6.6 of the Ordinance, to permit erection of covered patio with 2 ft. roof overhang 5.8 ft. from side property line, Lot 8, Homecrest, (2951 Rosemary Lane), Falls Church District (R-10)

Mr. Myer, contractor, represented the applicant. Mr. Reed wishes to cover his patio with an overhanging roof, Mr. Myer stated; this is a regular roof, just like the roof of the house. It will be used primarily for barbecues, entertainment, etc., for Mr. Reed's own personal use. It is not intended to be used as a carport. The driveway is located on the other side of the house.

Allowing the 15% reduction, Mr. Woodson said, would bring it up to 9 ft. from the line.

Mr. Smith suggested setting the posts at the 8 ft. mark, with 3 ft. of overhang and he would still get substantial coverage as far as the area is concerned.

Mr. Myer stated that the Reeds have lived at this address for about four or five years. This is an old subdivision and the lots are narrow.

No opposition.

Mr. Smith moved that the application of Robert Reed, application under Section 30-6.6 of the Ordinance, to permit erection of covered patio with 2 ft. roof overhang 5.8 ft. from side property line, Lot 8, Homecrest, (2951 Rosemary Lane), Falls Church District, be granted in part, granting the request to allow the applicant to place the supporting posts 8 ft. from the property line with the normal 3 ft. overhang. This is basically a 1 ft. variance granted, taking into consideration the 15% reduction that is allowed because this is an old subdivision. This is for a covered patio and it is to remain as such. There shall be no enclosure of this structure. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS A. CARY, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain with total side yard of 21.6 ft., Lot 135, Section 2, Rolling Valley, (6611 Sandover Ct.), Mason District, (R-17 cluster)

Mr. Bob Kim represented the applicant. The house is finished and occupied, he stated. The occupants are under a lease of possession and have not settled yet. The mistake was found on October 6 and application was made shortly thereafter. The house was not occupied at that time, but it was completed.

Required side yard is 8 ft. with a total of 24 ft. between houses, Mr. Smith pointed out.

The Ordinance says a total of 24 ft., Mr. Kim said; this could be 8 ft. from the line and 16 ft. between houses. There are converging lines on this property and if the house had been set back more it would have been all right. This was a mistake made by Mr. Kim's organization.

November 22, 1966

THOMAS A. CARY - Ctd.

At the present time there are approximately 130 houses in the subdivision and there have been no errors on these, Mrs Kim said. Mr. Gerlocker, the purchaser, has very recently returned from Viet Nam and he has no objections to the existing 21.6 ft. side yard.

No opposition.

Mr. Yeatman moved that the application of THOMAS A. CARY application under Sec. 30-6.6 of the Ordinance, to permit dwelling to remain with total side yard of 21.6 ft., Lot 135, Sec. 2, Rolling Valley, (6611 Sandover Ct.), Mason District be approved as it appears that there were no intentional mistakes, and because Mr. Cary has not been in before under the mistake clause of the Ordinance. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously. (Mrs. Henderson added that one of the side lines is at an angle so this is an irregularly shaped lot in addition to the error in layout.)

Mr. Smith pointed out that the purchaser of the lot is getting the same land area that he would normally have obtained, it is not a reduction in lot size and does not really affect anything other than the placement of the building on the lot.

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SUN OIL CO., application under Section 30-6.6 of the Ordinance, to permit erection of an addition to service station 24.1 ft. from Old Richmond Highway, (5928 Richmond Hwy.), Mt. Vernon District(C-G)

A letter from Mr. Brittingham requested deferral in order that proper notification could be given.

Mr. Yeatman moved to defer to December 20. Seconded, Mr. Smith. Carried unanimously.

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VIRGINIA ELECTRIC & POWER CO., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a ground transformer station, west side of #1 Highway, approx. 1600 ft. west off #1 Highway back of Bargain City, Lee District (C-D)

Mr. Randolph Church, representing the applicant, stated that the request is for a ground transformer station, the nearest sub-station being at Hayfield.

Mr. R. W. Carroll, engineer of the Fairfax office of VEPCO, said that VEPCO has a contract to purchase the property in question, containing approximately 2.76 acres, rectangular in shape. The proposed Gum Springs substation will furnish electricity to an area along Route 1. The need for electricity in this community has grown very rapidly. Between 1960 and 1965 it doubled, and it is expected to have a load of around 70,000 KVA by 1968. The area is presently supplied by three other lines some distance from this particular section. Without this new facility, these lines would be seriously overloaded by the coming summer and the new facility is needed to accommodate the rapid growth of this area. The new construction would meet both present needs and reasonable future needs of this area. This is a good site, located on commercially zoned property, and is being developed as a shopping center. The shopping center is to the east of the proposed site; to the south is RM zoned property. Construction of the proposed sub-station would have no adverse effect on property in the area. It will meet or exceed all requirements of the National Electrical Safety Code. The tallest structure on the property would be 65 ft. in height. It will be a metal structure with current coming to the sub-station by towers. The facility will be completely surrounded by a 6 ft. chain link fence, topped by three strands of barbed wire, with a gate that will be locked at all times except when an attendant is present. The area will also be landscaped.

Mr. McKenzie Downs, real estate broker and appraiser, said he had made a study of the area and the proposed site. This is part of a 72 acre commercial tract. Through the southern section there is a large drainage easement and between this land and the RM-3 land to the south there is also a drainage easement which comes into the rear of this site so that on two sides it is immediately adjacent to commercial zoning and on the other sides by drainage easements. He did not feel there would be any adverse effects on existing or future development in the area. This is a good location for the sub-station and in keeping with the land development plans in the County.

No opposition.

November 22, 1966

VIRGINIA ELECTRIC & POWER CO. - Ctd.

The Planning Commission report recommended approval of the application.

Mr. Smith moved that the application of Virginia Electric & Power Co., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a ground transformer station, on west side of #1 Highway, approximately 1600 ft. west off U.S.#1 Highway, back of Bargain City, Lee District, be approved as applied for, and in accordance with testimony given. The tallest structure on the property will be approximately 65 ft. This is to serve the immediate area not only for the present but in the near future. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA ELECTRIC & POWER CO., application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines and towers, east from Loudoun Co. line, approx. 1.3 miles crossing Bull Run Post Office Rd., Centreville District (RE-1)

This is in the existing right of way of the line from Occoquan, Mr. Church stated. He located the existing 115 KV circuit developed by degrees around the County in the past six years, and the 230 KV line paralleling it.

Mr. R. W. Carroll stated that this transmission line is urgently needed to reinforce their present facilities. The proposed line will provide a new source of supply to their present lines. Growth in this area has increased five times since 1960 as of the last summer's peak. The total load is now around 73,000 KW. The line will be supported by double circuit steel towers having an average height of slightly less than 120 ft. and it will be constructed to meet or exceed requirements of the National Electrical Safety Code. This is the best possible location available. VEPCO owns 250 ft. of right of way in this area. This will be a 115 KV line at present and ultimately will increase to 230 KV. It may be necessary to do some clearing within the right of way but it will be relatively minor. The line crosses a lot of cultivated land and areas not cultivated will be maintained in green space.

Mr. McKenzie Downs stated that there is no housing in close proximity of the proposed line and he could see no adverse effects from granting the application.

No opposition.

The Planning Commission recommendation was in favor of the application.

Mr. Smith moved that the application of Virginia Electric & Power Co., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a transmission line and towers, east from Loudoun County line, approximately 1.3 miles crossing Bull Run Post Office Road, Centreville District, be approved in view of the Planning Commission recommendation and after hearing the testimony. This is for an additional transmission line in the present right of way. Present right of way will continue to be maintained in the manner first indicated for transmission lines in this particular corridor. All other provisions of State and County ordinances are to be met. Seconded, Mr. Barnes. Carried unanimously.

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WARREN R. NELLIS application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care school (approx. 30 children in existing building) and a total of 130 children when new addition is completed; hours of operation from 7 a.m. to 7 p.m., Lot 2, 1st Addn. to Fairland, (6548 Fairland St.), Mason District (RE 0.5)

Mr. Ralph Dunston, real estate broker, and Mrs. Nellis were present.

There is a shopping center in back of the property, Mrs. Nellis pointed out, and this will be screened. She and her husband are contract owners of the property, by contract signed September 27, 1966. There is a driveway surrounding the property and this will take care of mothers' dropping their children off at school. There is sufficient parking for six cars in the rear of the house. There will be a couple occupying the building to receive the children, they will be the resident managers of the property. The property contains .657 acre. The house does meet nursery school Health Department requirements. This is a one story building with ground level basement. The furnace is located in the basement and a fire door will be erected in accordance with Fire Marshal's requirements.

WARREN R. NELLIS - Ctd.

Mr. Smith said he would like to see a written recommendation from the Fire Marshal's office.

Mr. Dunston said the applicants hope to construct the new building as early as possible, probably beginning in June or July. The building will be an attractive one, constructed of solid masonry and redwood, with metal balconies and outside posts. Plans for the building have not been submitted for approval as yet.

Mrs. Nellis described her qualifications as a teacher -- teaching for 11 years in public schools, presently teaching at Thomas Jefferson High School. She has lived in the County for four years, she stated, and presently lives 7 or 8 blocks from the property involved in the application. Her husband is also a qualified teacher and her manager, with whom she has a verbal contract, has taught for about four years in elementary school. Mrs. Nellis said that she would be the director of the school which would be called Fairland Day Academy. The children in the school will be ages 2 through 5, possibly through age 6, depending upon the action of the Fairfax County Board in regard to kindergarten as a part of the public school system; this will be a 12 month operation with planned recreational facilities. There will not be a swimming pool.

When the new building is erected, Mr. Smith asked, would the present house be removed from the property?

No, it would remain, Mrs. Nellis replied, and would be rented to whoever would be the manager of the property. The school does not plan to provide transportation at this time.

Opposition:

Mr. Tom L. Perry, 6544 Fairland Street, representing himself and Mr. Alsop, owner of Lot 1, presented a petition signed by 48 property owners on Fairland Street and in the immediate area. They opposed the application because Fairland Street is a narrow street and is not capable of handling very much traffic. Also, they felt that the proposed new construction of a 32'x60' building would be completely out of keeping with the general decor of the neighborhood. The parking on the premises is inadequate, Mr. Perry continued. There might be 100 automobiles delivering and picking up children and this would cause a disturbance to the neighborhood. There is not sufficient space on the property for parking and playground facilities. There is a drainage problem in the rear of the lot in question. Mr. Perry said he has lived at this address since 1944 and the Alsops have lived in their home since 1950. They want to keep their neighborhood a residential area. The statemnt which was made about the driveway surrounding the property is not true, and the rear of the property has been under water many times.

Mr. William Houston represented the Lincolnia Park Citizens Association in opposition, agreeing with statements made by Mr. Perry, and read a letter from their Association. They opposed the application because they felt it would not be in harmony with the existing residential character of the neighborhood and would be a detrimental use to enjoyment of other properties in the immediately vicinity; hazardous traffic conditions already existing in the area, and there is already a school directly across the street from this property with 40 children in the kindergarten operation. There are several public schools in the nearby area with another one under construction. He urged denial of the application.

Mr. Dunston, in rebuttal, said the Alsop property had been the subject of an application for apartment zoning and had been denied. The use of this school would not be primarily to serve the neighborhood; the children would come from apartments in the Landmark area and #236. When he talked with the Alsops, he got the impression that they had no objections to the school as they have two or three children who might want to use it.

Mr. Smith felt that the school would not be in keeping with the residential character of the neighborhood

Mr. Yeatman moved that the application of Warren R. Nellis, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day care school (approximately 30 children in existing building) and a total of 130 children when new addition is completed, hours of operation from 7 a.m. to 7 p.m., Lot 2, 1st Addition to Fairland (6548 Fairland St.), Mason District, be denied as it does not fit the sections of the Ordinance of 30-7.1 and 7.1.1 - Standards for Use Permits in R zones. Seconded, Mr. Smith. Carried unanimously.

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November 22, 1966

THEODORE F. JACKSON & LEROY F. JACKSON, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less area than allowed and permit Parcel A without frontage on a dedicated road, outlet road north off Belleview Road, Rt. 683, Dranesville District (RE-2)

The property is owned by his brother and himself, Mr. Jackson explained, and they would like to separate the property. It was given to them at the death of their father and at that time they were children.

The frontage request will have to go before the Board of Supervisors for action, Mr. Smith pointed out.

The access off Belleview Road would be via the 15 ft. outlet road, Mr. Jackson stated, and they would dedicate a piece of ground to give access to the rear piece.

No opposition.

In the application of Theodore F. and Leroy F. Jackson, application under Section 30-6.6 of the Ordinance, to permit division of lots with less area than allowed, and permit Parcel A without frontage on a dedicated road, outlet road north off Belleview Road, Route 683, Dranesville District, Mr. Smith noted that the Board of Zoning Appeals has authority only to act as far as the division of the lots is concerned, therefore he moved that this part of the application be approved as applied for, and that the Board of Appeals recommend to the Board of Supervisors that they give favorable consideration to the frontage portion of the application. This is granted in conformity with plats presented. Seconded, Mr. Yeatman. Carried unanimously.

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MARTIN B. JARVIS, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less area than allowed by the Ordinance, part Lots 79 and 87, Valley View (3211 Arundel St.), Lee District (R-17)

This application was before the Board once, Mr. Jarvis said, and it was approved, but before he could get a deed one of the owners died. Now the deed situation has been straightened out and this request is the same as the first proposal. One lot will have 11,000+sq. ft. and the other 10,000+ sq. ft. Lot sizes in the area vary quite a bit. There is an existing dwelling on Lot 79. The property is very steep. Nothing in the neighborhood has changed during the past five years.

No opposition.

This is a very unusual situation to say the least, Mr. Smith said. The lots are almost unusable unless there is some division here. The Zoning Administrator can align the house with the present houses so there will be no need for a variance from this Board. He moved that the application of Martin B. Jarvis, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less area than allowed by the Ordinance, part Lots 79 and 87, Valley View (3211 Arundel St.), Lee District, be approved in accordance with plat submitted. All other provisions of the Ordinance to be met other than those allowed by the Zoning Administrator as a matter of right. This is an unusual situation, as stated previously. Seconded, Mr. Barnes. Carried unanimously.

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A & D BILLIARDS, application under Section 30-7.2.10.5.5 of the Ordinance, to permit operation of billiards, Kwik Stop Shopping Center (8178 Richmond Hwy.) Lee District (C-G)

Messrs. Cazier and Ruth, both journeyman controllers in the Air Traffic Control Field, stated that due to rapid advancement in their profession, they have advanced as far as they can go for several years. They are both 29 years of age and are looking for self-improvement. Their jobs are good and offer excellent security but they believe that with their jobs and overlapping shifts, this is an excellent opportunity for taking action toward bettering their own situations. They have investigated and discussed several businesses, and the least demanding while at the same time something they would enjoy doing was billiards. They feel that family billiards would be a definite asset to the community. They would provide wall to wall carpeting, walnut paneling, FM Stereo sound system, AMF Grand Prix tables and furniture of a comfortable nature. They took a survey from #495 and south of the proposed location and found that there was very little entertainment in the area other than the bowling establishments north of Penn Daw. Both applicants live in Oxon Hill, Maryland, and have never operated a billiards parlor.

A & D BILLIARDS - Ctd.

This will not be a full-time occupation, Mr. Ruth stated, and no one under age 18 would be admitted to the billiards parlor. They plan to have eleven tables, which they are buying, and no snack bar. There will be a vending area. They plan to open at 11 a.m. and close at 2 a.m., except on Sunday when they would be open from 2 p.m. to 2 a.m. They have hired someone to run the operation but either Mr. Cazier or Mr. Ruth would be available for opening or closing every day. There are plenty of parking spaces available. There will be only one entrance to the building, and that will be in the front. The front of the building is all glass with fibreglass drapes which will be open to public view from the outside at all times. In the vending area they will have possibly Coke and coffee machines and cigarettes. No beer or alcoholic beverages will be sold on the premises and no packaged sandwiches. There will be no gambling allowed.

Mrs. Marilyn Klein said that due to the fact that the application was advertised as being in the Mount Vernon District rather than the Lee District, they did not notice it immediately and had not had time to discuss the application fully. She requested that the application be deferred in order to allow the citizens to meet with the applicants to discuss the application.

No opposition.

Mr. Smith moved that the application of A & D Billiards, application under Sec. 30-7.2.10.5.5 of the Ordinance, to permit operation of billiards, Kwik Stop Shopping Center (8178 Richmond Highway), Lee District be approved for 11 tables. This is to be known as Cue Palace. Floor plan shall be as outlined in the shopping center; hours of operation as stated from 11 a.m. to 2 p.m. during weekdays, no playing before 2 p.m. on Sundays, closing hour to be the same. Permit shall be issued to Ruth and Cazier only and any change of ownership or partnership would require a new use permit. The partners shall designate an agent with offices or living quarters in Fairfax County or in the State of Virginia so the Zoning Administrator or Police Department will know who should be served or contacted in the event of such a need; that the partners comply with all State and County regulations in relation to the operation of a billiard parlor as such; that this be limited to billiards and vending of merchandise as indicated in the discussion. All other provisions of the Ordinance to be met. Maximum capacity to be set by the Fire Marshal. Seconded, Mr. Barnes. Carried unanimously.

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SUBURBAN SCHOOL, INC., application under Sec. 30-7.6.1.3 of the Ordinance, to permit operation of a nursery school, ages 2 thru 6 yr. olds, maximum of 40 children; hours of operation 7 a.m. to 6 p.m., five days a week (Brighton Square Apartment Development, Sec. 2) 6200 Lachine Lane) Mason District (RM-2)

Mrs. Mildred Wallace said she had been asked by the Lerner Corporation, the builders and managers of the apartment project, to establish the school. There are approximately 400 units built already and there will be over 800 when the project is completed. There will be two sections, one of which will be designed for parents with small children. The other will be a high rise unit. The nursery would be placed in the community building; this is a large area set aside from the rest of the development, with large play areas, tennis courts and a swimming pool. This is primarily day care intended for the tenants of the development. Mrs. Wallace would be the operator of the school. At the present time she is President of Suburban School at Alexandria and operates the Busy Bee School in Arlington. The Lerner Construction Company will own the school, leasing it to Suburban School, Inc.

No opposition.

In the application of SUBURBAN SCHOOL, INC., application under Sec. 30-7.6.1.3 of the Ordinance to permit operation of a nursery school, children ages 2 thru 6 yrs. old, maximum of 40 children; hrs. of operation 7 a.m. to 6 p.m., 5 days a week, (Brighton Sq. Apartment Development, Sec. II) 6200 Lachine Lane, Mason District, Mr. Smith moved that the application be approved as applied for; that the applicant list with the Zoning Administrator principal officers of the school, names and addresses, that there be an agent listed in the State of Virginia. All other provisions of the Ordinance to be met. Granted to Suburban School, Inc. only. Seconded, Mr. Barnes. Carried unanimously.

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ATLANTIC SEABOARD CORP., to permit erection of a microwave building and permit erection of a microwave tower closer to rear property line than allowed (tower 190 ft. high) property at 11000 Leesburg Pike,

Dranesville District (RE-1)

Mr. Dean Gerwig represented the applicant. He presented plats showing the present microwave tower on the property, a freestanding tower supported by anchors. The Atlantic Seaboard Corporation is a natural gas transmission corporation with two piping lines to the property, he explained, and the microwave tower is used for communications and control for the pipelines. The proposed tower will be 190 ft. high as compared with the 125 ft. tower now on the property, and it would be a thinner structure. He presented pictures of a similar tower now at Rockville, Maryland. It will be controlled and licensed by the FCC. The Dranesville unit is an intricate part of their system. They use the microwave system as a communications method, telephone messages, radio control for their mobile units and telemetering of gas flow information and control of gas flow. The Maryland system is two years old and was built primarily to give adequate control over deliveries to Washington and Baltimore. 98.8% reliability sounds pretty high, Mr. Gerwig continued, but 1% of unreliability is about 87 hours a year and over a 16 month period they have had 27 separate outages which lasted over an hour and during these outages something over 3/4 million dollars worth of gas passed through these stations without the dispatcher having knowledge of it. In 1964 there was a pipeline rupture near Granite, Maryland; the telemetering system alerted the dispatcher through their electronic equipment and he was able to re-route the gas and prevent a large outage.

Mr. Gerwig said that in engineering a microwave system, topography is a critical factor as well as the money. The station to the west is in the Blue Ridge section, on Blue Mountain. To engineer a microwave path economically in this part of the country, taking into consideration the geographical obstacles, the height of the mountain, the height of the tower, etc., the 190 ft. tower at Dranesville is the minimum height that could be built and pass FAA requirements. Microwave communications require a line of sight. The station on the west is approximately 40 miles away and this is the extreme limit. The 125 ft. tower was built approximately 10 years ago and the microwave system has advanced tremendously since then. The base of the 190 ft. tower would be approximately 30 ft. square. They have tried to locate the proposed building and tower in keeping with existing facilities and engineering requirements. The northeast guy wire of the proposed tower will be very close to the Christine Money property but to move the tower to the Southwest would result in a guy line anchor in the middle of the drainfield and would jeopardize the parking lot, requiring relocation of existing facilities. They requested a variance on the rear property line.

Mr. Smith felt that the only alternative would be to secure an additional easement or more land.

Mr. Gerwig stated that he had received a letter from the adjacent land owner, the only one would would be adversely affected, saying that she had no objection to the erection of a tower on the subject property.

The Ordinance reads "shall be", Mr. Smith pointed out, and unless there is some insurmountable problem, the Board cannot grant a variance. He suggested that the applicant secure from Miss Money a letter or easement right for the tower as "fall space". He said he would have no objections to placing the tower in this location as long as there is a fall easement stating that no buildings would be placed within 190 ft. radius of the tower, in compliance with Ordinance requirements.

The Planning Commission recommended approval of the application. There was no opposition.

In the application of Atlantic Seaboard Corporation, to permit erection of a microwave building and permit erection of a microwave tower closer to rear property line than allowed (tower 190 ft. high), property at 11000 Leesburg Pike, Dranesville District, Mr. Smith moved that the Board approve the application under condition that Atlantic Seaboard Corporation secure a "fall easement" with the stipulation that no building be placed within the 190 ft. radius of the tower, and that Atlantic Seaboard Corporation would operate the tower, and when this is done the Zoning Administrator will issue a permit for the 190 ft. tower. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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D. C. CONSTRUCTION CO., application under Sec. 30-6.6 of the Ordinance, to permit erection of open porch 38.6 ft. from front property line, Lot 16, Block 11, Sec. 10, Mount Vernon Valley (7925 Frye Rd.), Lee District (R-12.5)

November 22, 1966

D. C. CONSTRUCTION CO. - Ctd.

Mr. John T. Hazel, Jr., represented the applicant. This is a new subdivision, he said, and the houses within a block of this area either are in the process of being settled or have been settled during the past one or two months. These are one story houses, $18,000 to $20,000 in value. The house in question has been sold but settlement is being held up pending this variance. This was probably an error on the surveyors' part. The basic house, which is rectangular, 34'x24' was laid out, footings were poured with the anticipation that a porch would be added to it when they reached that stage of construction. The porch did not show on the wall check. The porch was put on and did not show until the final building location check. There was no deliberate error or any intent to violate the setbacks. The adjoining neighbors have no objections to the application. Their houses are of different styles and they do not have a porch.

No opposition.

Mr. Yeatman moved that the application of D. C. Construction, Inc., application under Sec. 30-6.6 of the Ordinance, to permit erection of an open porch 38.6 ft. from front property line, Lot 16, Block 11, Sec. 10, Mt. Vernon Valley (7925 Frye Rd.), Lee District, be granted and that all other provisions of the Ordinance be met. Granted under the "mistake clause" of the Ordinance, paragraph 4. Seconded, Mr. Barnes and carried unanimously.

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DEFERRED CASES

HILDE R. CHERNY, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of kennel for toy poodles and permit runs closer to side property lines than allowed, Lot 10, Sec. 1, Wiley Subdivision, (10331 Belmont Blvd.), Lee District (RE-2)

Letter from the applicant stated that she had found some property in Woodbridge, Virginia for the proposed use.

Mr. Smith moved that the application be allowed to be withdrawn. Seconded, Mr. Barnes. Carried unanimously.

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JULIE O. KERLIN, application under Section 30-6.6 of the Ordinance, to permit erection of a fence 6 ft. high on Cedar Drive and Douglas Drive, Lot 19A, Resub. Lots 19, 20, and 22, Sec. 1, Braewood, (1114 Shipman Lane), Dranesville District (RE-1)

(Deferred awaiting erection of stop sign at the intersection.)

Mr. Knowlton reported that the stop sign had not yet been erected.

Mrs. Henderson said she had viewed the property and felt the application should be denied, however, Mr. Smith disagreed. He felt the application should be granted as long as no traffic hazards would arise from the erection of such a fence. He felt this applicant had a very unusual situation as she actually had two front yards and did not enjoy the privacy of a rear yard.

Because of the height of her property above the street, Mrs. Henderson felt that Mrs. Kerlin could enjoy the same privacy as afforded by the proposed fence, by a 3 1/2 ft. high fence.

Mr. Yeatman did not think a 72" high fence would be a traffic problem, since it was above the street. In the application of Julie O. Kerlin, application under Sec. 30-6.6 ofthe Ordinance, to permit erection of a fence 6 ft. high on Cedar Drive and Douglas Drive, Lot 19A, Resub. Lots 19, 20 and 22, Sec. 1, Braewood (1114 Shipman Lane), Dranesville District, Mr. Yeatman moved that the application be approved and that all setback requirements of the County Ordinance be met. This will allow the applicant to place the fence as shown on the plat. Seconded, Mr. Barnes. Carried 3-1, Mrs. Henderson voting against the motion as she felt there was no topographic problem involved to justify granting a variance. Mr. Baker abstained as he did not hear the original presentation of the case.

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MARION LELAND, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 21, Hillside Manor, (6803 Dean Drive), Dranesville District (R-12.5)

(Deferred for the builder to work out new plans.)

MARION LELAND - Ctd.

The builder was not present but Mrs. Leland was, stating that she bought her home in 1956 when she would have been allowed to have a 12 ft. carport. The house is 42 ft. long and a 10 ft. carport would not add to the appearance nor value of it.

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Mrs. Henderson felt that a 10 ft. carport with 3 ft. overhang roof would give adequate protection for a car. If 25% of the homes in Mrs. Lelands block had carports, this would be a different situation.

Mr. Smith explained to the applicant that the Board must abide by the Ordinance. Variances are granted when there are topographic problems or when failure to grant a variance would make the land unusable, neither of which are the case in Mrs. Leland's application. She has room for a carport.

Mrs. Henderson pointed out that a carport or garage could be built in the rear of the house as large as the applicant wishes.

Mrs. Leland said many others in the neighborhood also wished to have carports.

Perhaps then, Mr. Smith said, people in the area should petition the Board of Supervisors to change the zoning to allow them to have carports, perhaps they could have R-10 zoning. In the application of Marion Leland, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 21, Hillside Manor (6803 Dean Drive), Dranesville District, Mr. Smith moved that the application be denied as the applicant has not demonstrated a hardship as defined by the Ordinance. The application does not meet criteria set up in the Ordinance allowing this Board to grant variances in cases such as this. The applicant can construct a 10 ft. carport which is considered adequate for storage of one automobile and the request is one which is a situation that exists generally throughout the subdivision, and if granted, would amount to a personal granting rather than hardship as defined by the Ordinance. Seconded, Mr. Barnes. Carried 4-0, Mr. Baker abstaining.

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Mr. Price from Atlantic Refining said the Board heard a request on January 25, 1966 for a use permit for a two bay station. Now they would like to add a third bay. There would be no variance necessary for the third bay.

In the application of Sibarco Corporation on Old Mount Vernon Road, Mr. Smith moved that the permit be amended to read a "three bay Colonial type service station" and that all other provisions of the original granting be adhered to. For service station use only. Seconded, Mr. Barnes. Carried 4-0, Mr. Baker abstaining.

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Representative of Braddock Road Boys Club said he had a chance to buy a set of lights from a football field in the area, for an area known as Hallory Field. Originally it was called the Fairfax Boys Club.

Mr. Smith felt that the applicant should present a letter from the owners of the property stating that there are no objections to this use and a letter from the North Springfield Little League and Fairfax Boys Club giving the Braddock Road Boys Club the right to use the field. An application should also be filed for a public hearing, to be heard as soon as possible. The other Board members agreed.

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Request of Cities Service, Inc. (Bill Page property) - Mr. Smith moved to grant an extension of six months from December 8, 1966. Seconded, Mr. Yeatman. Carried unanimously.

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Request for extension, HERBERT N. MORGAN - Mr. Smith moved to grant an extension to November 22, 1967. Seconded, Mr. Yeatman. Carried 4-0, Mr. Baker abstaining.

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Request for extension, Dr. Mouser, Animal Hospital - Mr. Barnes moved to grant an extension until May 11, 1967. Seconded, Mr. Smith. Carried 4-0, Mr. Baker abstaining.

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November 22, 1966

PENN DAW VOL. FIRE DEPARTMENT - Request for extension.

Board records did not show an extension from July 1966 so permit probably expired. If the applicant has information that an extension was granted in July, the Board will consider a further extension, however, until such information is furnished, the Board has no authority to act.

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Barber poles -- are they moving signs? BZA will take under advisement for two weeks.

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The meeting adjourned at 5:15 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

December 20, 1966 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 6, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. (Mr. Barnes arrived late.) Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

FREDERICK G. SCHIESSER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10.9 ft. of side property line, Lot 52, Sec. 1, Valewood Manor, (12102 Wayland St.), Centreville District (RE 0.5)

This is a new development, Mr. Schiesser stated, and he would like to add a 24 ft. carport to his home. This would be a two-car carport.

Mrs. Henderson pointed out that a single carport could be built on the property without a variance; also, a double carport could be built in the rear of the house without a variance.

There is a steep slope in the back, Mr. Schiesser said, and to build there would require a lot of digging out and removal of trees. He has just moved to this house and a carport would add to its value and appearance. Other houses do not have carports.

Mr. Smith tried to explain to the applicant how the Ordinance limits the powers of the Board of Zoning Appeals and in a case such as this one, where there are several alternate locations for a carport without a variance, the Board has no choice but to deny the application.

Mrs. Henderson stated that the applicant could have a two-car carport if it were built in tandem style, however, Mr. Schiesser was not pleased with this suggestion.

No opposition.

Mr. Schiesser still did not seem to understand why he could not have the double carport as requested. Mr. Smith read from the Ordinance again regarding the powers of the Board of Zoning Appeals -- Section 30-6.6.5.1. Mrs. Henderson read from the Code of Virginia regarding the granting of variances.

Mr. Smith moved that the application of Frederick G. Schiesser, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10.9 ft. of side property line, Lot 52, Sec. 1, Valewood Manor (12102 Wayland St.), Centreville District be denied as the application does not meet the qualifications of the hardship section of the Ordinance. Seconded, Mr. Yeatman and carried unanimously. (4-0) Mr. Barnes had not yet arrived.

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JOHN F. LEBARRON, application under Section 30-6.6 of the Ordinance, to permit carport brick piers to come 7.2 ft. of side line, Lot 5, Sec. 2, Leonard, (7605 Burnside Ct.), Dranesville District (R-10)

The carport is 18 ft. wide and the house sits at an angle on the lot making one corner of the carport in violation, Mrs. Lebarron explained. The post is 3 ft. in front of the carport so a car must come out and circle around to get in. They can take out that post and run the brick pier straight up at the corner and it would help the looks of the carport and make it more convenient. The house is 10 years old. The carport was constructed during the past summer.

Is it practical to move the post up away from the front till you hit the 10 ft. restriction line, Mrs. Henderson asked?

No, there is a post there already, Mrs. Lebarron replied. They only wish to change the one post because of the angle of the house.

No opposition.

Mr. Yeatman moved that the application of John F. Lebarron, application under Section 30-6.6 of the Ordinance, to permit carport brick piers to come 7.2 ft. of side line, Lot 5, Sec. 2, Leonard (7605 Burnside Ct.), Dranesville District, be granted due to the hardship involved because of the way the house was set on the lot originally. This is R-10 zoning and only one post of the carport will be changed - the roof line of the carport will not be changed. All other provisions of the Ordinance will be met. This is granted to allow the applicant a reasonable use of his carport; it

JOHN F. LEBARRON - Ctd.

is a very minimum request and the applicant has tried to make use of something that does not meet the requirements of the Ordinance; this is a reasonable request. The location of the house on the lot is a peculiar situation, as it cuts down the usable side lines, both front and back. Seconded, Mr. Baker. Carried unanimously. (4-0) Mr. Barnes not yet present.

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EUGENE COLUMBO, application under Section 30-6.6 of the Ordinance to permit erection of garage 44.8 ft. of front property line, Lot 6, Block A, Yacht Haven Estates, (4513 Ferry Landing Road), Mt. Vernon District (RE 0.5)

The applicant requested withdrawal of the application.

Mr. Smith moved that the application be withdrawn at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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ROBERT V. HALSEY, application under Section 30-6.6 of the Ordinance, (30-2.2.2 (a) Amendment 96A) to permit erection of stable closer to property lines than allowed, Lot 2, A. J. Lee & C. Rees Subdivision (10929 Stuart Mill Rd.), Centreville District (RE-2)

Mr. Halsey stated that he owns two acres of property but it is not recorded as a two-acre subdivision. He bought the property from Mr. Rees and was advised that he could not divide the property any more without coming under Subdivision Control. His property is bordered on one side by 25 acres and on the other side by 5 acres and in both cases the other people's barns would be closer to their own property lines than his would. His barn would not be visible to Mrs. Pryor.

If this were a two-acre recorded subdivision the applicant could put the barn there by right, and it could be closer, Mrs. Henderson pointed out.

Mr. Halsey said that Mr. Rees and Mrs. Pryor had sent letters to the County stating that they had no objections to the request. At present he owns two horses and a pony. The barn would not be built immediately as the horses are being kept on someone else's property right now. He bought the property one year ago.

No opposition.

Mr. Smith moved that the application of Robert V. Halsey, application under Sec. 30-6.6 (30-2.2.2 (a) Amendment 96A, of the Ordinance, to permit erection of stable closer to property lines than allowed, Lot 2, A. J. Lee & C. Rees Subdivision (10929 Stuart Mill Road), Centreville District, be allowed as applied for in conformity with plat submitted, showing a 10 x 30 ft. structure for housing of horses or ponies 25 ft. from rear property line, 50 ft. from side property line. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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METROPOLITAN OPEN BIBLE CHURCH, (KIDDIE KOLLEGE), application under Section 30-7.2.6.1.2 of the Ordinance, to permit operation of a day care center (maximum 120 children) hours of operation 7 a.m. to 6 p.m. (6434 Franconia Rd.), Lee District (R-12.5)

Pastor Wheeler said the Church is completed now and has been approved by all except the Mechanical Division of the County, something regarding the ceiling is holding up approval. They are now in the process of completing the ceiling. The Kiddie Kollege would be operated on the first floor of the church building, for children ages 3 through 6, and there would be a first grade. They have three large departmental rooms on the first floor, a kitchen and two restrooms. They have a State permit for the day care center and have been operating. They have an enrollment of 70 children now and their space will accommodate 120 children. The Kiddie Kollege is operated by the trustees of the Church and the school is a facility for the children of the members of the church as well as the community. Transportation is provided, they are operating two vehicles at present -- one Volkswagen and a station wagon. The entire property in the rear is asphalted except for the 12 ft. perimeter, and it is all fenced. There is plenty of play space. Pastor Wheeler would be director of the Kiddie Kollege, home address -- 3904 Lakota Road, Alexandria, Virginia.

No opposition.

Mr. Smith moved that the application of Metropolitan Open Bible Church (Kiddie Kollege), application under Sec. 30-7.2.6.1.2 of the Ordinance to permit operation of day care center (max. 120 children), hrs. of operation 7 a.m. - 6 p.m., 6434 Franconia Rd., Lee District, be approved for a maximum of 120 children, ages 3 thru 6, hours of operation 7 a.m. to 6 p.m. This is in the lower floor of the church, to be operated by trustees of the Church, Rev. Wheeler, Director. All other provisions of the Ordinance to be met. Seconded, Mr. Yeatman. Carried unanimously.

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December 6, 1966

ELSIE G. MINSHEW, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lots 110, 114 and 151, 155, Carolena (2325 Chestnut Hill Ave.) East side Chestnut Hill Ave., approx. 400 ft. North of Idylwood Rd., Providence District (RE1)

Mrs. Minshew and Mr. Van Drake were present. This would be a five-day a week operation, Mrs. Minshew explained, from 9 a.m. to 5:30 p.m. No operation on Sundays or Mondays. Mrs. Minshew would be the only operator. Mrs. Minshew has lived on the property for eight years. She completed her beauty school course a year ago and is seeking the permit for a home occupation because of health reasons.

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Mr. Van Drake said the nearest beauty shops are at Pimmit Hills and West Falls Church; Mrs. Minshew is half way between them -- they are each about 1 1/2 miles away.

Mrs. Henderson said she was reluctant to granting an application for a beauty shop that is not specifically to serve the immediate neighborhood, and one which has not been requested by the neighborhood.

A note from a neighbor, Mr. Gabey, said he approved of the operation.

No opposition.

Mr. Smith moved that the application of Elsie G. Minshew, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lots 110, 114 and 151, 155, Carolena (2325 Chestnut Hill Ave.), East side Chestnut Hill Ave., approximately 400 ft. north of Idylwood Road, Providence District be approved in conformity with discussion which took place at this hearing -- that this be granted to Mrs. Minshew only as operator, as a home occupation, and that all other provisions of the Ordinance must be met. She must get the proper approval from the Health Department before a permit is granted; she must comply with all State and County regulations. Seconded, Mr. Yeatman. Carried unanimously. (Mrs. Henderson said she voted for the application reluctantly since it was not requested by the neighborhood.)

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BRISTOW LIMITED COMMERCIAL PARTNERSHIP, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gas station off Patriot Drive in Americana Apartments, Falls Church District, (C-D)

Mr. John Webb stated that the application was before the Board of Zoning Appeals once before but they did not have enough land zoned commercial around the service drive. Since that time they have had more land rezoned to a commercial classification. They own all the land around the proposed gasoline station and they can enter from commercial property now.

Mrs. Henderson noted that the application was deferred indefinitely on April 26.

This would be a Phillips 66 three bay station, Mr. Webb stated, with the station on the lower level and a 7-Eleven Store above it. This will be a contemporary styled station which will blend in with the townhouses, etc., and will be of brick construction. Their streets are private streets -- they will not be dedicated.

Mr. Smith felt that the Board should have new plats showing present zoning lines, street layouts etc. and they should also show the setbacks of the pump islands.

No opposition.

Mr. Barnes moved to defer to December 20 for new plats. Seconded, Mr. Yeatman. Carried unanimously.

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ANNANDALE NATIONAL LITTLE LEAGUE, application under Sec. 30-7.2.8.1.4 of the Ordinance, to permit erection and operation of little league baseball field and snack bar, part of Atlantic Research property, Mason District (RE 0.5 and I-G)

Russell Sage, President of the Annandale Nat'l.Little League, outlined the boundaries of their league, extending from Guinea Road on the west to the Shirley Highway on the east, generally running on the north down #236 and south along Braddock Road, cutting down to Edsall Road. They have obtained a 10 year lease on the Atlantic Research property, contingent upon getting the permit allowing them to use the 3 1/2 acres as a ballfield. He said he had talked with all the neighbors adjoining the property except Mr. Connell who was not at home. Mr. Nellis was not concerned about the property being used as a ballfield. Spring Valley

ANNANDALE NATIONAL LITTLE LEAGUE - Ctd.

Drive, which would be the access to the ballfield, intersects with Mitchell Street about 100 ft. down from the Atlantic Research property line and the road from Mitchell Street into the Atlantic Research property is a semi-gravelled road. The Board of Directors of the League have passed a resolution that they will exert their efforts to try to get the State to improve this road to keep down dust.

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Mr. Smith commented on the excellent playing ability of this League, stating that they are Virginia champs.

Mr. Sage said the League now has a stadium off the Beltway on the Webb property of which they are very proud. It is completely fenced and is in very excellent condition. Only the playing area of the field in question would be fenced now but someday the entire property would be fenced.

No opposition.

Mr. Smith moved that the application of Annandale National Little League, application under Sec. 30-7.2.8.1.4 of the Ordinance, to permit erection and operation of little league baseball field and snack bar, part of Atlantic Research property, Mason District, be approved as applied for in conformity with plat submitted showing field layout, dugouts, placement of snack bar, parking etc. and that all other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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PRINCE OF PEACE LUTHERAN CHURCH & ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, nursery and kindergarten, hours of operation 9 a.m. to 12 noon; and 1 p.m. to 4 p.m. five days a week, parcel 3, Sec. 1, Cardinal Forest, (8311 Traford Lane), Falls Church District (RPC)

Mrs. McConnell, Director of Accotink Academy, and Reverend Weatman, Pastor of the Church, appeared in support of the application. This Church is located approximately four blocks from the Accotink Academy, Mrs. McConnell noted, however, this will be a separate school. They are leasing classroom space from the church.

Reverend Weatman said the Church plans at some future date to use the same space for a kindergarten operation of its own and that is why they applied for the permit in both names.

This is in a location that already has been approved in RPC zoning for a church, Mrs. Henderson said, but the Ordinance says uses in RPC shall be permissible only in locations shown on the preliminary plan, also all uses permitted by right or by special permit, with a few exceptions.

The decision to be made today is whether this use can be considered as initial use, Mr. Knowlton said; initial use must be approved by the Planning Commission, subsequent uses by the Board of Appeals.

Mr. Smith asked why the Church had not secured an occupancy permit.

Reverend Weatman replied that the contractor is just finishing up. They held their first services last Sunday. The Building Inspector came out on Friday and gave his approval. The roadway is not completed because of wet grounds last week -- this is what held up the occupancy permit. It will be completed before the first of the year.

Mr. Smith felt that since the applicant had what appeared to be a temporary occupancy permit, or permission to use the church for church uses, and this being a use permitted in a church, the application before the Board was a proper one and should be decided today.

Mrs. McConnell said the children would be ages 3 through 5, and they did not anticipate more than 60 children at any one time.

Mrs. Henderson felt that the application should be two different operations and when the Accotink Academy withdraws and this becomes a church operation, it becomes a non-profit operation and might be entitled to a different type of permit.

The Church will lease the rooms to Accotink Academy, Reverend Weatman said, and it will be under the control of Accotink Academy.

The Board discussed it further and agreed that the permit should be granted to the Prince of Peace Lutheran Church and Accotink Academy and at such time as Accotink Academy withdraws, the Zoning Administrator should be so notified and the use permit would go to the Prince of Peace Lutheran Church and they would be the sole operator of the school.

PRINCE OF PEACE LUTHERAN CHURCH & ACCOTINK ACADEMY - Ctd.

There was no opposition to the application.

Mr. Smith moved that the application of Prince of Peace Lutheran Church & Accotink Academy, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, nursery and kindergarten, hours of operation 9 a.m. to 12:00 noon and 1 p.m. to 4:00 p.m., five days a week, parcel 3, Section 1, Cardinal Forest (8311 Traford Lane), Falls Church District, be approved for a maximum number of 75 students at any one time. (If this does not exceed the allowable limits set by the Health Department under nursery school regulations.) This is for children ages 3 through 5; and at such time as Accotink Academy should withdraw from their portion of the operation, the Zoning Administrator shall be notified and the Prince of Peace Lutheran Church would become sole owner and operator through its trustees and minister, of the use permit for this operation as outlined in the use permit. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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LARRY BLANCHETT, application under Section 30-7.2.8.1.2 of the Ordinance to permit operation of riding stable and allow existing stable closer to property lines than allowed, (955 Leigh Mill Road), Dranesville District, (RE-2)

Mr. and Mrs. Blanchett were present. They are running a school of horsemanship for small children, ages 5 and up. Mrs. Dillon of the Junior Equitation School is helping them get started. She gave them three horses to start their school, Mrs. Blanchett said, as she is trying to cut down on her school and is referring students to the Blanchetts. They started October 1 and have a total of nine horses, and five students to a class. There is only enough room for nine horses. They are keeping some temporarily for a veterinarian in Middleburg until he can get a permanent home for them. They have lived in Fairfax County for only 2 1/2 years and did not know that they needed a permit for the operation. They are renting the nine acres and live on the property. The barn has been on the property for many years, probably for 50 years.

Mrs. Harris, the nearest neighbor, stated that she could not see the Blanchett house from her property. Other houses are farther away.

Mrs. Blanchett said she is teaching 50 students at the present time (per week), five students in each class. They cannot handle more than this. They will have not more than six school horses and no more than three cars on the property at any one time. They have arranged car pools for the children. From fall until spring there are classes after school on Mondays, Wednesdays and Fridays from 4:00 to 5:00 p.m. and from September to the middle of December on Tuesdays and Thursdays their hours would be from 3:30 p.m. to 5:30 p.m. There is one adult class (5 adults) who ride in the morning class during fall and spring. On Saturdays they would have a class from 9:30 a.m. to 11:30 a.m. and another class from 2:30 p.m. to 4:30 p.m. In the summer when the students are out of school their hours would be 9:30 a.m. to 12:30 p.m. on weekdays. There would possibly be an adult class from 7:30 p.m. to 8:30 p.m.

Mrs. Henderson noted a letter from Colonel Warris in favor of the application. Also, a letter from Mr. Aldus H. Chapin, adjoining property owner, said he had no objection to a riding school so long as it did not serve as an opening wedge for dog kennels, veterinarians, etc.

No opposition.

Mr. Smith moved that the application of Larry Blanchett, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable and allow existing stable closer to property lines than allowed (955 Leigh Mill Road), Dranesville District, be approved under the following conditions: that during the months of June through September the operation will be from 9 a.m. to 9 p.m.; that from October through May the hours of operation will be from 9 a.m. to 5:30 p.m. with the exception of Saturday throughout the year - from 9:30 a.m. to 4:30 p.m. year round; maximum number of 50 students, in classes of 5; no riding instructions shall be given within 100 ft. of any adjoining property; and all other provisions of the Ordinance shall be met. In granting the application, it is to include stabling of horses closer to property lines than allowed in conformity with plats presented, this being a barn that has been in existence for more than 50 years. Seconded, Mr. Barnes. Carried unanimously.

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December 6, 1966

DEFERRED CASES

MULTIPLE LISTING SERVICE OF NORTHERN VIRGINIA, INC., application under Section 30-6.6 of the Ordinance, to permit erection of building within 2.5 ft. from side property line, NE corner Arlington Blvd. and Javier Road, Falls Church District (C-O)

(Deferred from September 20 pending adoption of new master plan or new layout for the building.)

Mrs. Henderson stated that she had been advised by Mr. Heubusch, attorney for the applicant, that the building had been redesigned and relocated on the property so that it would not require a variance.

Mr. Barnes moved to allow the application to be withdrawn. Seconded, Mr. Smith. Carried unanimously.

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WINDSOR W. DEMAINE, JR., application under Section 30-7.2.6.1. of the Ordinance to permit erection and operation of funeral chapel and to permit building 45 ft. from Woodland Drive, corner Backlick and Woodland Drive, Mason District (RE 0.5)

(Deferred from October 25 for new plats reducing the variance requests.)

Mr. Holland, engineer, said they propose to build a building 110 ft. by 90 ft. and no variances are being requested. This is 50 ft. off Woodland Drive. The extent of the site and the shape of the building have changed since the application which was granted over a year ago. They have recently taken off 450 sq. ft. of the building so they would not encroach into the side yard on the Woodland Drive side. This will be a building of 1 1/2 stories in height but they will use only the ground floor. In the rear of the building is an entrance for the hearse, where the doors will then be closed before removal of the casket. All deliveries will be made in the same manner so there will be no outside activity of trucks, etc. carrying goods.

Mr. Holland showed a site plan of the proposed building, showing a building having two wings, creating a patio effect, with parking moved from the front of the building. The driveway in front would merely be used for one or two family cars while the procession is forming, or for an occasional visitor.

A letter from the minister of St. John's Methodist Church stated that their parking facilities immediately across the street from the funeral chapel would be available to the funeral chapel, if needed. They, in turn, have been granted permission to use the parking facilities of the funeral chapel if their facilities become overcrowded, so there will be no need for anyone at any time to park on Backlick Road or Woodland Drive. While there are two entrances from the parking lot onto Woodland Drive, very closely opposite the ones of the church across the street, the processions would leave the chapel by Woodland Drive and go to Backlick Road at a main intersection. That is not a major intersection in terms of speed and flow of traffic on Backlick Road. It is estimated by the DeMaines that in the course of a year they will hold approximately 150 services at this location, an average of about 13 a month. There will be an apartment on the upper level of the building for the caretaker and four parking spaces will be set aside for regular employees. There are a chapel, four parlors and a display room but no facilities for embalming on the premises -- the Ordinance specifically excludes this use. All such operations would take place at the mortuary in Alexandria. There would be approximately four caskets on display in the display room. They have provided a total of 38 parking spaces on the property. They planned a floor area of 13,800 sq. ft. originally, and it has now been reduced to 13,250 sq. ft.

They discussed the planting in detail with people in the neighborhood, Mr. Holland continued, and pointed out that the white oaks now on the property are very sensitive, that he would strongly recommend the introduction of new trees to replace those as soon as possible because when they get all their paving completed, those trees won't last long. They have petitions from the citizens in the area opposing a stockade fence along the property -- they want the screening in shrubbery, but since the Ordinance specifically calls for stockade fence, they will take it up with the Board of Supervisors.

No opposition.

Mrs. Henderson read a letter from Mr. Elmer Hoffnauer, concurring with the application on the basis that no site plan variances be requested; that parking be in the rear of the chapel; that the timber now standing on the property will remain; and that the egress for funeral processions be in the interests of public safety.

December 6, 1966

WINDSOR W. DEMAINE, JR. - Ctd.

Mrs. Henderson referred to a section of the Ordinance under General Regulations -- "Along the lot line there shall be screening in the form of a wall or fence supplemented by planting." Section 30-3.5.3. -- "Every lot in a C or I District.....There shall be provided along the lot line screening in the form of a wall or fence supplemented by planting."

Mr. Holland said that the plan as presented by him was the one which the citizens had agreed to and it did not show a fence, however, they will be glad to work this out with County officials and put the fence up if they have to.

If any person is aggrieved by the requirement of the wall or fence, that person may appeal the Planning Engineer's decision before the Planning Commission, Mrs. Henderson pointed out.

The Planning Commission recommended approval of the application.

Mr. Yeatman moved that the application of Windsor W. DeMaine, Jr., application under Section 30-7.2.6.1 of the Ordinance, to permit erection and operation of funeral chapel and permit building 45 ft. from Woodland Drive, corner Backlick and Woodland Drive, Mason District be approved in accordance with plat signed by Mr. Holland, and all other provisions of the Ordinance shall be met. No variances are required on this plot plan. The applicant shall submit a copy of the approved site plan to the Zoning Administrator to accompany this application. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH T. BRADY, application under Section 30-6.6 of the Ordinance, to permit erection of garage 9 ft. from side property line, Lot 23, Sec. 4, Block L, Mosby Woods (10233 Confederate Lane), Providence District (R-12.5)

(Deferred from October 25 to view the property.)

Mrs. Henderson said she had viewed the property and it appeared that the lots were not large enough to allow carports.

Mr. Brady said he proposed to build a garage which would be enclosed and he needed enough room to open the car doors when it is parked inside the garage. Possibly he could cut down on the size of it if he were building a carport but he wished to build a garage.

Mr. Yeatman felt that the storm sewer easement on the side of Mr. Brady's property was an unusual situation as it reduces the usable space on the lot and he felt the applicant was entitled to a 3 ft. variance.

Mrs. Henderson agreed that perhaps some variance was merited but the variance could be reduced by constructing a carport instead of a garage.

Mr. Yeatman moved that the application of Joseph T. Brady, application under Section 30-6.6 of the Ordinance, to permit erection of garage 9 ft. from side property line, Lot 23, Section 4, Block L, Mosby Woods (10233 Confederate Lane), Providence District be approved due to the problem of 15 ft. being taken from the lot for a storm sewer easement, reducing the available building space of the lot. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion, for reasons stated.

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ROBERT M. AMEY, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 5 ft. from side property line, Lot 46, Section 3, Westgate (3905 Westgate Drive), Mt. Vernon District (RE 0.5)

(Deferred from November 1 to view the property as the next door neighbor had objected to the application.)

Mr. Amey presented a petition in favor of the application.

Mr. Pennsawater from the Pool Company stated that they could move the pool location closer to Mr. Amey's house, perhaps 10 ft. from the fence. Then the request would only entail a 5 ft. variance.

A letter from Mr. Thomas J. Cain, adjacent property owner who objected to the granting of the application, pointed out several violations in the neighborhood involving two-car garages, and felt that if Mr. Amey's application were granted, it would result in other applications for variances being granted also. He restated his objections as presented at the last hearing.

December 6, 1966

ROBERT M. AMEY - Ctd.

Mrs. Henderson informed Mr. Amey that it was possible to put the pool in the rear of the house without a variance. In the terms of the Ordinance, she said she could see no way that the Board could grant Mr. Amey's request.

Mr. Smith moved that the application of Robert M. Amey, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 5 ft. from side property line, Lot 46, Section 3, Westgate, (3905 Westgate Drive), Mt. Vernon District, be denied as the applicant has not proven hardship as defined by the Ordinance in connection with his variance request. Seconded, Mr. Yeatman. Carried unanimously.

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FAIRFAX COUNTY PARK AUTHORITY, to permit operation of a public recreation park, west side of Hunter Mill Road (Lake Fairfax), Centreville District (RE-1 and RE-2)

Since the Commonwealth's Attorney has ruled that under the Ordinance the Park Authority does not need a use permit, Mrs. Henderson suggested that the only thing to do would be to remove the application from the agenda.

Mr. Barnes moved to take the application off the agenda. Seconded, Mr. Yeatman. Carried unanimously.

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PENN DAW FIRE DEPARTMENT, Beddo Street - Mr. George Alexander stated that on November 14 a letter was directed to Mrs. Henderson regarding their application over a year ago in which the Penn Daw Volunteer Fire Department was granted a permit on Beddo Street, and they ran into various problems which caused them not to commence construction within the 12 month period as stipulated by the permit. Their intentions are the same as they were then -- nothing has changed. They contracted an architect to draw up their site plan and paid him $3,000, but he left and took their money with him. Meanwhile their permit expired, and they are seeking an extension for one year from the expiration date of July 27, 1966. The site plan has been submitted and their plans are being worked out by another architect.

Mr. Smith moved that the application of Penn Daw Volunteer Fire Department be reinstated and extended for a period of one year from July 27, 1966 and that all other provisions of the original motion shall still apply. Seconded, Mr. Barnes. Carried unanimously.

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A letter from Luck Quarries asked for an extension on moving the crushing equipment into the hole. The Board asked that a letter be submitted by them before December 20 explaining exactly what they want.

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CITY OF FALLS CHURCH - water storage tank off Dunn Loring Road -- They requested an extension because their plans had not been completed; however, they should be completed by next month, with construction beginning in early 1967. Mr. Barnes moved to grant a one year extension, to January 25, 1968. Seconded, Mr. Yeatman. Carried unanimously.

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Mrs. Henderson read a letter dated November 17 from Mr. C. C. Massey with a letter attached from the Virginia Gasoline Retailers Association, Inc. relative to approval of additional gasoline stations in Fairfax County. She said she did not see that the Board of Zoning Appeals could do anything regarding the problem without an amendment to the Ordinance and they cannot use need as a basis for determining whether or not to grant an application for service station as illustrated by the case which was lost in Supreme Court on the question of need in the Beacon Hill Shopping Center.

Mr. Wingfield from the Virginia Gasoline Retailers Association, Inc. stated that at the end of 1963 there were 176 service stations in Fairfax County; at the end of 1966, counting present stations, those under construction and those zoned for service station use, there will be 251 service stations. These figures do not include the City of Fairfax, Falls Church, Vienna, Herndon, or any of the other towns with their own government. There are too many stations concentrated in one location, he said, using Annandale as an example, with 27 stations within one mile radius.

December 6, 1966

Gasoline stations - Ctd.

Every station that is built affects the other stations within 15 to 25 miles, Mr. Wingfield continued.

Mr. Smith felt the problem should be before the Board of Supervisors, as they are the ones to zone land for use as service stations. This Board in turn grants use permits if the application meets the criteria set up by the Zoning Ordinance, and this is why there has been a general upgrading of service stations in the County. This Board has no authority to put restrictions on private enterprise, he said, and there is nothing in the Ordinance regarding need for service stations as a reason to grant or deny the application.

Mr. Haskell, owner of a service station in Arlington, said one of the major problems facing service stations today is the inability to find responsible help at any price.

Mrs. Henderson asked Mr. Haskell what he would suggest other than the moratorium on service station applications, to help solve the problems of service stations.

Only a certain number of stations should be allowed within a certain distance, Mr. Haskell replied. There is no necessity for any company to have three or four stations within a half mile area.

Mr. Wingfield suggested getting electoral precincts with the population in these precincts to determine how many stations are needed in an area in order to properly serve the population.

Mr. Smith suggested an amendment to the Ordinance which would set up a restriction that no oil company could have two properties adjoining, or within two or three blocks of each other.

Mr. Yeatman felt that one way to stop the concentration of service stations would be to change the setback requirements in order that they would have to acquire larger tracts of land and it might not be available at the price of land today.

Mr. Smith disagreed, saying this would be approaching an unreasonable situation and no court would uphold this.

Mr. Hansbarger appeared only on behalf of himself, but since he does handle many cases for gasoline stations, he was very interested in any proposed amendments or solutions to these problems. He related experiences which he had incurred at stations in trying to get someone to clean the windshield of his car, or put air in the tires, and said that the incompetent help was not the fault of the oil company, not the location or the station, but the fault of the individual dealer. In 1963 he said there were 111,000 motor vehicles including trucks, not including military vehicles in Fairfax County; by 1967 there should be 160,000 motor vehicles, including about 10,000 military. This is an increase of motor vehicles just registered in Fairfax County of 44%. The number of stations in Fairfax County by actual count was 148 in 1963; by 1966 there were actually in operation 161 service stations -- a 9% increase in the number of stations as compared with a 44% increase in the automobile population. This figure is net. From 1963 to 1966 30 new stations were built but actually there was only a net increase of 13. Projecting into 1967 he estimated that there would be 20 new stations in operation that are not now in operation. A number of stations have been displaced by highway widening; a number of obsolete stations have been rebuilt or have gone out of business. Many of the so-called "faults" have been created by zoning itself. The 1954 volume of the Code of Fairfax County required the issuance of special exceptions, that automobile repair shops should be so far as possible located in compact groups. We did not believe it was in the public interest to restrict competition in order to keep a marginal dealer in business. One suggestion, which he said he had not thought out completely, was that maybe the County would not want zoned commercial ~~where~~ there might be a need for a service station where -- the intersection of Old Dominion and Great Falls, for example -- times, people must travel for several miles without service station accommodations. Perhaps some classification could be set up especially for gasoline stations, not excluding them in commercial zones. A lot of them would rather locate where they felt there was a need instead of being forced next door to their neighbor in a square of commercial zoning. Perhaps there could be two acres of land, about 30 or 40% of it built upon and the rest maintained in its natural state. The rest of the two acres could serve as a buffer for the station.

Mr. Yeatman suggested that the representatives of the oil companies get together with their attorneys and work out something to help solve the problems and present it to the Board of Supervisors for their approval.

December 6, 1966

Gasoline stations - Ctd.

Mr. Covington said he would like to meet with them when they discuss this and go over the sign ordinance with them.

Mr. Wansbarger, Mr. Wingfield and Mr. Haskell agreed to get together with other oil dealers and discuss the problems and make some recommendations on how to solve them.

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Mr. Covington reported on his inspection of the Lyons Construction Co. property. No heavy trucks were present except a crane.

The meeting adjourned at 6:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

February 23, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 20, 1966 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

STONYBROOK DEVELOPERS, INC., application under Section 30-6.6 of the Ordinance, to permit carport 8.4 ft. from side property line, Lot 10, Section 7, McAdams Addition to Hillbrook, (6834 Pacific Lane), Mason District (RE 0.5)

Somehow during construction of the house, it got reversed, Mr. Haislip said, and unfortunately the carport was built when they learned of the violation. The carport adds to the appearance of the house and the adjoining neighbors have no objections to it remaining. The house is new and is not yet occupied. The carport was planned for the other side of the house where there is approximately 30 ft. of space, but through some mistake in their plans it was reversed.

Initial approval showed a 10 ft. carport, Mrs. Henderson pointed out, and the 12 ft. carport which was built is too large for the lot.

Lot 9 does not have a carport but Lot 11 has a garage, Mr. Haislip said. There are a number of builders in this subdivision and each builder tries to customize. This has resulted in a number of very beautiful homes. The terrain falls rather fast in the rear of the property and he obtained a variance in order to build the house, to get it up to the sewer. The property drops very steeply toward the creek. The house on Lot 11 is approximately 20 ft. from this side line and it also has a setback variance.

A letter from Mr. Church, adjoining neighbor, stated that he had no objection to the application being granted, but he was bothered by a materials construction problem. He wished to be assured that mud, water, etc. would not flow into his back yard, that Mr. Haislip would provide an underground drain and do whatever is necessary to correct this problem. (Mr. Haislip agreed that this would be done.)

Mrs. Henderson asked that the carport be cut back to 10 ft. as originally planned. The side line requirement is 20 ft. and it is down to 8 ft. now.

Mr. Haislip said he would cut the carport down to 10 ft. There is no overhang on it.

Mr. Yeatman wished to view the property before voting.

No opposition.

In keeping with Mr. Yeatman's wishes, Mr. Smith moved to defer the application to January 10, for decision only. Mr. Haislip should start now to correct the drainage situation or work it into his final plans now so there will be no problems insofar as the adjoining property owner is concerned. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES W. FLETCHER, III, application under Section 30-6.6 of the Ordinance, to permit erection of barn closer to side property lines than allowed, Lots 21 and 22, Katherine T. Moore Subdivision (5530 Clifton Rd.), Centreville District (RE-1)

Mrs. Henderson noted that the distance involved in this application is greater than that which the Board is permitted to give -- it could be only 50 ft. and it is 64+ ft.

Mr. Fletcher said he now has three horses but he is planning to sell one. He will build a two-stall stable with tackroom.

Would it be possible to move the barn location over 5 ft. so that it would straddle the two lots, Mrs. Henderson asked? This would make certain that there would be no problems in the future with two separate lots, and the barn being only 5 ft. from one lot line.

Mr. Fletcher agreed with Mrs. Henderson's suggestion.

Mr. Harry Davis, a neighbor, said he did not object to the barn location, but he wanted assurance that the barn would not create a problem in getting well and septic on lots 19 and 20.

No opposition.

CHARLES W. FLETCHER III - Ctd.

In the application of Charles W. Fletcher III, application under Section 30-6.6 ofthe Ordinance to permit erection of barn closer to side property lines than allowed, Lots 21 and 22, Katherine T. Moore Subdivision (5530 Clifton Road), Centreville District, Mr. Smith moved that the application be approved and that the barn be placed not closer than 70 ft. from the adjoining property line of Lot 20. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HARRY AND NORMA E. LONGRICH, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home (13118 Thompson Rd.), Centreville District (RE-1)

Mr. Longrich said he and his wife would like to have a small antique business in their home, to be shown by appointment only. They have lived in the area for about 1 1/2 years. Over the years they have collected antiques and now have too many, and wish to sell some of them. The iron kettles, milk cans, etc. are spray painted outside but there will be no sanding or refinishing of furniture. They would deal in glass, china and metal objects. This will be strictly a hobby.

No opposition.

Mrs. Henderson read a letter from the Board of Supervisors waiving the site plan requirements in connection with this operation.

In the application of Harry and Norma E. Longrich, application under Sec. 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in the home (13118 Thompson Road), Centreville District, Mr. Smith moved to approve the application as applied for; that there be at least two parking spaces provided for visitors to the home; that this be an operation by appointment only, basically for glass, china and metal objects; no refinishing of furniture on the property. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM T. RYAN, application under Section 30-6.6 of the Ordinance, to permit erection of garage 34 ft. from Hollindale Ct., Lot 502, Resub. Lots 18 thru 29, Hollindale (1600 Hollindale Drive), Mt. Vernon District (RE 0.5)

Mr. Ryan explained that the land slopes towards his house in all directions from the rear and he plans to build a garage with open porch above it. The side toward Lot 501 and 502 is very heavily wooded and has a steep slope also. The lot is level only where the driveway comes in to the location proposed for the garage. There is a crawl space under the end of the house where the plat is marked "porch" and between the house and where they hope to place the garage the ground slopes considerably. The house is about 15 years old.

With the entrance being off Hollindale Drive, Mrs. Henderson said she did not understand why the carport could not be attached directly to the house without the open porch.

Mr. Ryan said the driveway would be a straight line from Hollindale Drive into the garage - he hoped to build a one car flat roof garage and the top of it would be level with the floor line of the house. The property is considerably lower than the house.

Mr. Smith admitted that there was a topographic problem involved, but said he would like to look at the property before making a decision.

No opposition.

Mr. Yeatman moved to defer to January 10 to view the property. Deferred for decision only. Seconded, Mr. Baker. Carried unanimously.

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MAY PROPERTIES, application under Section 30-6.6 of the Ordinance, to permit erection of subdivision entrance wall higher than allowed by the Ordinance, Lot 1, Section 1, Evermay (1200 Potomac School Road), Dranesville District. (R-17)

Mr. Frank Knoblock, architectural designer employed by the applicant, represented May Properties.

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MAY PROPERTIES - Ctd.

Mr. Knowlton reported that as of December 19 the brick wall was up to about 6 ft. in height and the sign had been put up.

Mr. Knoblock stated that the brick wall would go all along one property line along Dolley Madison Boulevard. It is like a rail fence with black wrought iron letters spelling out "Evermay" attached to the iron work. The property continues along Dolley Madison Boulevard for some ways and picking up at the end of the brick wall would be planting of some sort that will grow to about 10 or 12 ft. in height. The sign will be on Lot 1. There is a house under construction and well underway on this lot. Located on the corner opposite of where the sign will be placed is the Fairfax County Water Authority building.

Mrs. Henderson was concerned about a sight distance problem being caused at the entrance to the Potomac School.

The sign will be 3 ft. back on the property, Mr. Knoblock explained, and then there is a sidewalk and some space from the road to the sidewalk and he did not think this would cause a sight distance problem.

Mr. Smith expressed concern over who would maintain the sign on Lot 1, especially after the property has been sold.

Mr. Knoblock said the house would be occupied as an office for three or four years and they would maintain the sign as long as they are there. After the house has been sold, he did not know how the sign would be maintained -- that was a legal problem he said, that he could not answer. In the beginning they had planned to plant trees of some kind at the end of the sign and they wanted to make the sign taller than it is. When they applied for the permit they were told it was too high and it could only be approved for 6 ft. in height. After this, Mr. May felt that the overall appearance of the sign and planting would be much better if he continued the brick wall along the whole length of the lot.

Mrs. Henderson said she could see no topographic reasons for the variance request and no hardship involved as defined by the Ordinance. There must be some justification for the request for a 6 ft. wall on both sides of the sign.

Mr. Louis Kimball represented Potomac School in opposition because they felt that the wall as proposed would create problems in sight distance.

If planting is put in, Mr. Knoblock stated, it could grow higher than the proposed wall would be.

It still could not obstruct sight distance, Mrs. Henderson pointed out, the State Highway Department would see to that. She felt that no grounds had been presented at this hearing to allow the Board to grant such a variance.

Mr. Smith moved that the application of May Properties, application under Section 30-6.6 of the Ordinance, to permit erection of subdivision entrance wall higher than allowed by the Ordinance, Lot 1, Section 1, Evermay (1200 Potomac School Road), Dranesville District be denied as the applicant has not shown in his testimony that the application meets the requirements of the variance section of the Ordinance neither from hardship nor topographic situation. This, if granted, could very well create a hazard of sight distance at the intersection. Seconded, Mr. Barnes. Carried, 4-1, Mr. Yeatman abstaining as he had not seen the property.

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MILDRED H. THORNE, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home, Lot 2A, Dominion Heights, (7716 Shreve Road), Providence District (R-12.5)

Mr. Barnes Lawson represented the applicant who was present also.

Mr. Lawson stated that Mrs. Thorne and her family have been residents of the County for 50 years. Mrs. Thorne has developed an interest in cut glass and glass items and would like to sell them in her home as a hobby. She has lived in this home for 16 years and would continue to live here after the application is granted. This would be by appointment only and would not be an antique business in the broad sense. Two parking spaces will be provided on the property, more if the Board requires.

No opposition.

Mrs. Henderson read the Planning Commission recommendation for approval.

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MILDRED H. THORNE - Ctd.

Mr. Smith moved that the application of Mildred H. Thorne, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home, Lot 2A, Dominion Heights (7716 Shreve Road), Providence District, be approved as applied for in conformity with plats submitted; that the applicant provide two parking spaces as shown other than those needed for her own automobiles; this is an operation by appointment only in the field of cut glass and china. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. (The Board of Supervisors may waive site plan requirements for this operation, Mr. Smith noted.)

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JOSEPH J. GRANT, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling, 31 ft. from street property line and 9.7 ft. from side property line and allow existing carport 9.7 ft. from side property line to be enclosed, Lot 110, Section 2, Sleepy Hollow Manor, (6406 Carolyn Drive), Mason District (R-12.5)

Mrs. Henderson asked why the carport is only 9.7 ft. from the property line when it should have been 10 ft.

Mr. Grant said the carport was constructed when he purchased the house five years ago. All of the other houses of this style in this area have carports.

Mr. Smith felt that the existing carport should be legalized because it could interfere with getting a title to the property someday if ever picked up. Therefore he moved that the house owned by Joseph J. Grant at Lot 110, Section 2, Sleepy Hollow Manor, be allowed to have the carport remain as previously built sometime prior to the purchase of the present owner 9.7 ft. from the side property line and that all other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

The addition on the front would be a living room, Mr. Grant said, and the carport area being enclosed would become a study or bedroom or small recreation room, giving more space within the present kitchen, living room and dining room area. The addition cannot be put in the rear because the ground slopes off. The addition as planned is the simplest construction and would cause the least number of problems. The houses on each side of his home stick out 8 ft. in front of his house so he would not be breaking the line of setback from the street by putting this addition on the front.

Mrs. Henderson still felt that the addition could be put in the rear.

This would not accomplish what they are attempting to do, Mr. Grant answered. Their present living room would become a dining room area and the present dining room area would be combined with their kitchen in order to enlarge the kitchen area. By enclosing the carport for a study or bedroom, this would result in a better layout than putting the addition in the rear.

Mrs. Henderson pointed out that the situation in this application could be one that could pertain throughout the subdivision. There are many houses of this type.

Mr. Smith sympathized with Mr. Grant's need for more space but felt that his request was far more than the Board was authorized to grant.

Mr. Yeatman said he would like to view the property before voting on the application and Mrs. Henderson felt it would be better to defer the application for further study and some other ideas for construction rather than denying it today.

Mr. Yeatman moved to defer to January 24 to allow the applicant to work out new plans for placing the addition in the rear of the house. Seconded, Mr. Smith. Carried unanimously.

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LUCILLE E. AUGUSTINE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school and kindergarten, 50 children, ages 1 to 6 years old; 5 days a week; hrs. of operation 7 a.m. to 5 p.m., Lot 51, Sec. 2, Groveton Heights (3400 Clayborne Avenue), Lee District (R-17)

Mrs Augustine explained that she was seeking a day care center. The school is not in operation at this time. She would not live in the house; it would be for the school only. She has a small nursery in her home at present and these children would be moved to the new location. Her home is located about 5 blocks from the proposed school. The school she has now has been in operation for approximately 7 years and she has 15 children now with many others who would like to be enrolled

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LUCILLE E. AUGUSTINE - Ctd.

if she were allowed to have the larger school. The lot in question is 50 ft. by 223 ft., containing less than a quarter acre. This is a brick building.

Mrs. Henderson pointed out that Mrs. Augustine must provide parking 25 ft. from property lines and since the lot is only 50 ft. wide, there would be no room for parking any cars. She felt there should be a summary denial of the application for this reason. She noted a petition signed by 30+ families on Clayborne Avenue in opposition to Mrs. Augustine's application.

Mr. Smith moved that the application of Lucille E. Augustine, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school and kindergarten, 50 children, ages 1 - 6 years old; 5 days a week; hours of operation 7 a.m. to 5 p.m., Lot 51, Sec. 2, Groveton Heights, (3400 Clayborne Avenue) Lee District be denied due to the fact that the applicant does not have sufficient width on the land area shown on the plat to permit parking as required by the Ordinance for this type of use; that the Zoning Administrator will accept another application from the named applicant in the event that she finds another location that would meet Ordinance requirements, without an additional filing fee at any time within the next 12 months, due to the fact that the applicant was apparently misinformed by people who were anxious to sell her the parcel of real estate and she was unaware that she needed at least 58 ft. width in order to get the necessary parking. Seconded, Mr. Barnes. Carried unanimously.

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MARVIN F. WEISSBERG, application under Sec. 30-6.6 of the Ordinance, to permit erection of a service station 50 ft. from street right of way lines, northwesterly corner of Rt. 193 and Rt. 681, Dranesville District (C-G)

Mrs. Henderson felt there was too much planned for the property and suggested reversing the service station and 7-Eleven Store locations to pick up a little bit of setback. She felt that the site would be good for a gasoline station alone, or perhaps the applicant could obtain some more commercial property for the 7-Eleven Store.

Mr. Weissberg said he had owned the property for two years. It is a 43,000 sq. ft. site and no matter where he locates the gasoline station and the 7-Eleven Store he will still need a variance.

It is the service station that creates the problem, Mrs. Henderson pointed out -- there could be a 7-Eleven Store and other uses put there which would not need a variance.

Mr. Weissberg said the community wants a gasoline station at this intersection and he wants to go along with the community's wishes. He will dedicate property for widening #681. The gasoline station will be 30 ft. in depth and it will be a two-bay station, Colonial design.

Mr.Smith felt that the applicant could make reasonable use of the property without the granting of a variance; he is not restricted to gasoline station only.

Mr. John Kuhn appeared in opposition, stating that there is already a four bay service station in Great Falls, owned by him. He felt that a better use could be made of the property in question and there were other stores which were needed more than another gasoline station. He built his station three years ago and he did not need a variance. The gallonage from his station per month is approximately 14,000 gallons and he operates from 7 a.m. to 9 p.m. There is another garage in the McLean area and less than 600 customers who are served mail from the McLean Post Office so he felt there was no need for another station.

Mrs. Henderson pointed out that the Board of Zoning Appeals has taken the position that they cannot use need as a basis for denying an application.

Mr. Kuhn said the proposed station would be a half block from his station.

Mr. Smith questioned whether the Health Department would allow the applicant's proposal to locate the underground tanks as close to the septic field as shown on the plat and said he would like to see a letter from the Health Department before voting on the application, saying they would allow it, and also he would like to see new plats showing the location of the service station and 7-Eleven Stores reversed on the property. He said he would be reluctant to granting any variances on the property

MARVIN F. WEISSBERG - Ctd.

as the applicant has owned the land for a very short time and he was aware of the restrictions contained in the Ordinance when he purchased the property. He has been operating in the County for a number of years and is well aware of the County requirements. The Ordinance is very specific in granting variances on properties that have been recently purchased. In the application of Marvin F. Weissberg, application under Sec. 30-6.6 of the Ordinance, to permit erection of service station 50 ft. from street right of way lines, NW'ly corner of Rt. 193 and Rt. 681, Dranesville District, Mr. Smith moved that the application be denied as applied for. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

SUN OIL COMPANY, application under Sec. 30-6.6 of the Ordinance, to permit erection of additional bay, 24.1 ft. of Old Richmond Washington Hwy. (5928 Richmond Hwy.), Mt. Vernon District (C-G)

Mr. Brittingham represented the applicant, stating that the Board of Supervisors waived site plan requirements on September 21. This is a porcelained enamel station and has been on the property for 10 or 12 years. It was purchased by Sun Oil Company but Shell Oil had a lease on the property. The addition will be closer to the access road than to U. S. #1.

This is a tremendous variance, Mr. Smith said; the applicants are asking the Board to permit them to build in the setback area.

Mrs. Henderson suggested that the applicants tear down the old building and rebuild it to conform. There could be a 29 ft. station with four bays on the property without a variance if it were rebuilt and this would be a great improvement in the area.

No opposition.

Mr. Smith moved that the application of Sun Oil Company, application under Section 30-6.6 of the Ordinance, to permit erection of additional bay, 24.1 ft. of Old Richmond Washington Highway (5928 Richmond Highway), Mt. Vernon District be denied. This does not meet the variance section of the Ordinance and there have been no demonstrated hardships nor topographic problems. This is now what amounts to a non-conforming setback due to the fact that the station was constructed many years ago and if the variance were allowed, the Board would be allowing construction of a service bay for a service station in what is the required setback area. This certainly is not good planning. There is adequate area under the ownership of Sun Oil Company to erect a desirable service facility the dimensions they are now seeking without a variance. Seconded, Mr. Barnes. Carried unanimously.

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BRISTOW LIMITED COMMERCIAL PARTNERSHIP' application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gas station off Patriot Drive in Americana Apartments, Falls Church District (C-D)

(Deferred from December 6 for updated plats.)

Mr. Webb presented new plats showing zoning lines, curb lines, private streets, etc. measured from the curb line.

Mr. Yeatman moved that the application of Bristow Limited Commercial Partnership, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gas station off Patriot Drive in Americana Apartments, Falls Church District, be granted in accordance with new plats submitted by Carroll-Kim & Associates, dated December 10, 1966, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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Mobil Oil Co. - Annandale Road and Dashiell Road - Request for an extension of one year due to flood plain problems. Their use permit expired March 3, 1966. Site plan was filed September 1965.

Mr. Smith moved to grant a one year extension from March 23, 1966 to Mobiloil Company and if the applicants anticipate that another extension will be needed they must request it prior to this expiration date of March 23, 1967. Seconded, Mr. Barnes. Carried unanimously.

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December 20, 1966

Progress Report - Luck Quarries

Work was reported to be 70% complete but bad weather will probably hold up the completion of work that must be done before the crushing equipment can be moved to its new location. It will probably be in its new location by fall of 1967.

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Mr. Yeatman moved that the report be accepted and filed. Seconded, Mr. Barnes. Carried unanimously.

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Little League - question of whether or not the 16 ft. outlet road could be used by Little League:

Mr. Smith felt that the outlet road was originally intended to serve residential uses along the roadway and therefore his opinion was that as long as the house is used for residential purposes, whether it be through ownership or rental, that the occupants could continue to use the outlet road that has been established for a number of years, but prior to official opening of the field for baseball uses, the road should be cut off. Little League will not be allowed to use the road for any reason but as long as the house is used as a residence, the road may be used. The other Board members agreed, but will read Minutes before taking action.

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The meeting adjourned at 1:45 P.M.
By Betty Haines

Mary E. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

February 23, 1967
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 10, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

Since Mr. Barnes had not arrived when the meeting opened, Mr. Smith moved to proceed with the agenda and have election of officers when the full Board is present. Seconded, Mr. Yeatman. Carried unanimously.

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CARLTON S. MOOREFIELD, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of a riding academy, North side of Lewinsville Rd. opposite intersection with Old Lewinsville Rd., Dranesville District (RE-1)

Mr. Moorefield stated that he had no exact plans for a riding academy as such. He owns 7.4 acres, 5 of which are in the process of being developed for single family dwellings, and the 2 acres which would be used for this operation would someday be site of his own residence. Mr. Moorefield said that his wife is very active in Girl Scouts and wished to use the 2 acres as a place to teach the girls to ride. The tenant who runs Mr. Moorefield's riding stable in Fauquier County has agreed to transport ponies from that farm to this site for the lessons and he will charge the going rate for these lessons, while Mr. Moorefield himself will receive no remuneration from the use of the land.

Mr. Yeatman said he had viewed the property and the entrance to it seemed to be across someone else's property.

The entrance is on the Carter property, Mr. Moorefield replied; he purchased the property in August of this year after it had been abandoned for quite some time and it is in terrible condition. The old home that was on the property was destroyed and the 125 ft. well has been filled in. Only 60 ft. x 125 ft. of the property would be needed for teaching the Girl Scouts. Lessons will be given at pre-arranged times.

Mrs. Henderson felt that the best system would be for the Girl Scouts to travel to the farm in Fauquier County and have their lessons there.

(Mr. Barnes arrived.)

Within 18 months to 2 years, Mr. Moorefield said, he expected to have his own home occupying the property. The tenant has told him that he can transport 10 ponies on the truck which he owns. Regarding the question of access to the Moorefield property, he said it would be easy to make an access to his property but he assumed that he had a right to the entrance that was already there. The Girl Scouts with whom his wife is associated would probably want lessons one day a week. There are other groups in the area who might be interested, but they have no definite commitments from them at this time.

Mr. Roger Carter appeared in opposition, stating that this property had been in his family since 1942, and although none of his family lives on the property at present, at one time he paid the taxes on the piece which Mr. Moorefield now owns. Up until a year ago one of his cousins lived on the property. There has never been a right of way on his property. The entrance there now is not an established road -- it was put in by his cousins while he was away in the service. The 5 acres which Mr. Moorefield owns are landlocked. There is no legal right of way across the Carter property. A riding stable in this area would be considered a business venture, Mr. Carter said, and he would object to any businesses being conducted in this area.

Mr. Moorefield reiterated that it would be very simple to construct an entrance on his own property. He asked that the application be deferred to allow him to make more definite plans to present to the Board.

Mr. Smith suggested that the Girl Scouts consult the Park Authority regarding the possibility of using some of their land for this use. Otherwise, he agreed that perhaps the best thing to do would be to transport the girls to Fauquier County, as suggested by the Chairman.

Mr. Yeatman pointed out that the road in this area is very narrow and this particular piece of property has a high bank coming right down to the road. To get an entrance there would mean making a great cut to get in and there could very well be a problem of sight distance.

Mr. Smith moved that the application of Carlton S. Moorefield, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of a

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CARLTON S. MOOREFIELD - Ctd.

riding academy, north side of Lewinsville Road opposite intersection with Old Lewinsville Road,Dranesville District, be denied, as it does not meet criteria set up by the Zoning Ordinance for granting special use permits. This use intended by the applicant would be to turn the operation over to a tenant on the applicant's farm in Fauquier County and the youngsters would be transported from another area of the County into this area. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH A. PETTIT, application under Section 30-7.2.6.1.10 of the Ordinance, to permit erection and operation of an office for general practice of medicine and permit building closer to street property lines than allowed, Lots 2, 3 and 4, Block 4, Devine's Chesterbrook (1655 East Ave.), Dranesville District (RE-1)

ROBERT E. MARTIN, application under Section 30-7.2.6.1.10 of the Ordinance, to permit erection and operation of an office for general practice of medicine and permit building closer to street property lines than allowed, Lots 5, 6, 7 and 8, Block 4, Devine's Chesterbrook (1659 East Ave.), Dranesville District (RE-1)

Since the land involved in both applications is contiguous, the proposed uses are the same, and the same agent represented both applicants, the Board decided to hear both cases at the same time.

Mr. Harold F. Kenny represented the applicants. Dr. Pettit is a dentist; Dr. Martin is a pediatrician. This is a peculiar triangle of land, he stated, because of Old Dominion Drive and East Avenue, an unconstructed avenue. The Planning Engineer has indicated that it might be possible to vacate East Avenue because it serves no useful purpose and effectively there are three streets that would then come together.

Mrs. Henderson felt that the proposal was too much for the land and suggested that one doctor buy the entire parcel and construct a building in the middle of it.

There will be a total of four doctors using the property, Mr. Kenny continued. When he presented his application to the Zoning Office there were several questions that came up -- one was regarding the 50 ft. setback from East Avenue, the front of the property, and the setback from Old Dominion Drive. It seemed to be pretty definite that 50 ft. would be required from the property line on each street if this were a corner lot, but this being an interior lot, actually Lots 3, 4 and 5 having frontage on two streets, he felt this would not apply.

The property has two front yards, Mrs. Henderson said. Any lot that faces on two streets has two setbacks and if some lots in the County face three streets, then they have three setbacks. The setback is 50 ft. from each street in this zone. The possible vacation of East Avenue cannot be considered in this case, she continued. This should have been done first in order to be considered a part of this case. A doctor's office could be put on the property and meet all setbacks.

Two or three houses could be constructed on the property, Mr. Yeatman said, and this could be considered a reasonable use.

Mr. Smith felt the applications were out of order since they were asking the Board to stretch the property to allow them what they want to construct. They are asking variances in order to construct the buildings and if the buildings were already there, needing minor variances, this might be something he would go along with, but the Board has no authority to act on these applications and cannot grant variances on both pieces of property under two separate applications -- this is too much. The properties could be combined and one desirable office building could be constructed without any variances. The Ordinance calls for these structures to have the exterior appearance of a single family dwelling; a 77 ft. x 26 ft. building would not look like a single family dwelling.

Mrs. Henderson explained that the Ordinance was amended to allow doctors who were practicing in their own homes to continue their practice there after their families became too large for the homes and had to move somewhere else.

Mr. Kenney said the doctors are now practicing in Arlington. Dr. Martin lives in Fairfax County. He would submit plans showing what the buildings would look like, if the Board wished, at a later meeting.

Mr. Smith said that he had heard no testimony of hardship in either case.

The hardship would be the small piece of land that would be left after all the setbacks are taken, Mr. Kenny said. It is practically unusable.

Could you build a house on it and meet all the setbacks, Mr. Smith asked?

Yes, they could build three houses, Mr. Kenny replied.

Then, this is a reasonable use of the land, Mr. Smith stated. If the applicants were asking variances in order to construct a residential unit, and it could not be built without a variance, it would be entirely different from this.

Since the doctors bought the property only about three months ago and the Ordinance has not changed during this time, Mr. Smith felt they should have been aware of the situation.

The parking shown on the plat in the front setback of Lots 2, 3 and 4 would not be permitted, Mrs. Henderson pointed out. The reasonable approach seems to be to have one building on the entire property.

Mr. Smith stated that he felt the problems were created by Mr. Kenny when he sold two separate parcels of land to the two doctors. The Ordinance is very specific on this type of thing, he continued, and the Board is not set up to grant variances for the desires of people who find themselves in a position such as this, especially when it is self-created.

The land was subdivided in 1917, Mr. Kenny said. These are seven separate and distinct lots and were sold as lots. At one time he owned all of them but he sold to the two doctors.

Mr. Smith stated that the Ordinance was amended to allow a doctor to move out of a home where he had practiced for a number of years and his family had grown too large for the home. This was meant to serve the people in the immediate vicinity. These applications are not to serve the people in the immediate vicinity - neither of these doctors are practicing here now and as far as he was concerned, they were trying to set up a medical building in a residential area, when they should have been locating in a C-O zone. If the Planning Commission and Board of Supervisors felt this was a good location for C-O zoning it should have been outlined in the Master Plan.

Mrs. Henderson commented that she felt the variance requests negate the possibility of granting a use permit; if there is a need for so many variances, then this is not the proper use for the land.

Again, Mr. Smith said he had heard no reasons given for granting so many variances. Until such time as the applicants could come in with a plan that would meet the setback requirements of the Ordinance, the Board should not consider the applications. He said he would like to take note of the number of people appearing in opposition without listening to them as he felt the Board should deny the applications today simply because they have not met the criteria set up by the Ordinance for this use. Secondly, because the Board is asked to grant variances to establish the use which they have no authority to do.

Mr. Charles B. Kerbo stated that nine people were present in opposition; that he and Mr. Taylor had been authorized to make brief statements in opposition.

Mrs. Henderson noted a letter of opposition from Mr. E. R. Nicholi.

Mr. Smith moved that the application of Joseph A. Pettit, application under Section 30-7.2.6.1.10 of the Ordinance, to permit erection and operation of an office for general practice of medicine and permit building closer to street property lines than allowed, Lots 2, 3 and 4, Block 4, Devine's Chesterbrook (1655 East Avenue), Dranesville District, be denied as there has not been a need shown for this, and it does not meet criteria laid down by the Ordinance permitting doctors to practice in residentially zoned areas. There is no building presently on the property; the applicant seeks a number of variances in order to construct the building for conducting this use. There has been no hardship shown other than that caused by the sales of these lots to individuals in the last few months and there has been no change in the Ordinance in connection with this type of construction since the sale of the property to the present owner. Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith moved that the application of Robert E. Martin, application under Section 30-7.2.6.1.10 of the Ordinance, to permit erection and operation of office for general practice of medicine and permit building closer to street property lines than allowed, Lots 5, 6, 7 and 8, Block 4, Devine's Chesterbrook (1659 East Avenue), Dranesville District, be denied. This property is contiguous to that in the above application, Joseph A. Pettit,

and as previously stated, they were considered at the same time because the same person acted as agent for both applicants and at one time had the seven lots under one ownership. This application is similar to the Pettit application, the use being the same, all other circumstances surrounding the application were the same. This was a recent purchase from the man now acting as agent for the two doctors, who sold the property for the purpose of constructing a medical building and the Ordinance did not intend for this section of the Ordinance to be used in this manner for setting up medical centers or medical buildings, so this application should be denied for these reasons and for the same reasons as the Pettit application. Seconded, Mr. Barnes. Carried unanimously.

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Election of officers for 1967: The Board has operated for a number of years very effectively under Mrs. Henderson's leadership, Mr. Smith said. She has done an outstanding job for members of the Board and citizens of the County. He moved that Mrs. Henderson be re-elected as Chairman. Seconded, Mr. Barnes. Carried unanimously.

Mr. Yeatman moved that Mr. Smith be re-elected as Vice-Chairman since he has done a fine job. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson congratulated Mr. Yeatman on his recent appointment to serve a full term, until 1972.

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JOHN R. & MARY T. DEATHERAGE, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, on south side of Little River Turnpike between Chestnut Hill Subd. and Fairfax Hills Subd. (8211 Little River Turnpike) Falls Church District (R-17)

Mr. Deatherage stated that he is the owner of 9.0668 acres, and his residence is the only developed part of the property, lying back about 400 ft. from the highway, facing Little River Turnpike. The ground has a very unusual shape -- it is very long and narrow. He wishes to divide it into three parcels, one lot being 3.25 acres; one lot 5.65 acres, and the other containing 1 acre. He bought the property in 1938 and the 10 acres which he purchased happened to be of this shape. The land is approximately 175 ft. by 2441 ft. He has lived on the property since 1940 and now that he is retired, wishes to sell off some of it. The 5.65 acres would be sold as a parcel and anyone buying them would have to subdivide. The one acre on Little River Turnpike would be sold as a site for one residence. His own home would remain on the 3.25 acres. The service road of Chestnut Hill Subdivision abuts his property on the northwest corner. He will retain his driveway from #236 to his home. It was built in 1940 and provides adequate width to service one family where he lives. Subdivision Control staff members have told him they have no desire to force subdivision control standards on one lot at the front of this property, and he would regret having to do so, because the cost of it would prohibit development of the one acre as residential property.

Mrs. Henderson said she would like to see a dedication of the proper width to take care of eventual continuation of the service drive that now dead ends at Mr. Deatherage's property, but no requirement that it be constructed so it will be certain that any construction on this lot will set back the required distance.

No opposition.

Mr. Yeatman moved to defer to January 24 for decision only, to see whether it is possible to dedicate the land for the service road without requiring it to be constructed, or if the answer can be obtained today, decision could be made at the end of this meeting. Seconded, Mr. Barnes. Carried unanimously.

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PETER M. SLOBOGIN, application under Section 30-6.6 of the Ordinance, to permit erection of carport 4 ft. from side property line, Lot 9, Blk. 7, Section 5, Grass Ridge (6617 Byrnes Drive), Dranesville District (R-12.5)

Mr. Slobogin said he is the only one who does not have a carport and he is the owner of two cars. He would like to build a two-car carport to house them. He bought the house in 1956.

This is a maximum request, Mr. Smith pointed out, and the Board does not have authority to grant it.

PETER M. SLOBOGIN - Ctd.

Mrs. Bailey reported that the closest carport in the subdivision is 10 ft. from the side line.

Mr. Slobogin assured the Board that when he purchased the home he was told by the real estate man that he could construct a carport and his house plans called for a carport.

Mrs. Henderson explained that a carport would not fit on the lot to start with. The applicant could build a 24 ft. carport or garage 12 ft. behind his home and be close to the line, if it were a separate building.

The covenants on the property preclude having a separate building, Mr. Slobogin said.

Mrs. Henderson suggested that Mr. Slobogin submit his proposal to a covenants committee set up to administer the covenants, or, as suggested by Mr. Yeatman, he could construct a carport long enough to take care of two cars. Mr. Slobogin said he would find that quite inconvenient.

Mr. Smith pointed out that the applicant could have a 12 ft. carport and this would be considered a reasonable use of the land at the present time although it might not meet the requirements which appeal to him.

The rear of the lot is sloping, Mr. Slobogin said, and the house is set into a hill. The flat side is in the front and to the side where the carport is planned. This is a two-story house and there are no windows in the rear of the house in the lower level. The lower portion of the house is the recreation room, laundry room, etc.

No opposition.

Mr. Smith moved that the application of Peter M. Slobogin, application under Section 30-6.6 of the Ordinance, to permit erection of carport 4 ft. from side property line, Lot 9, Block 7, Section 5, Grass Ridge, (6617 Byrnes Drive), Dranesville District, be denied as the applicant has not shown a hardship as defined by the Ordinance. He can construct a carport similar to one in the immediate vicinity on which the Board granted a variance to allow the applicant to construct a 10 ft. carport. The applicant in this case can construct a 12 ft. carport without a variance and this is a reasonable use of the land although it does not meet the convenience requirements of the applicant. Seconded, Mr. Barnes. Carried unanimously.

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CLIFFORD W. YORK, application under Section 30-6.6 of the Ordinance, to permit erection of carport 11 ft. from side property line, Lot 32, Sec. 2, Marlo Heights, (6538 Marlo Drive), Falls Church District (RE 0.5)

Mr. York said he has lived in the house for four years. He owns two cars and wishes to have cover for them. He would not be satisfied with a one-car carport.

Mrs. Henderson pointed out that the applicant could have a 16 ft. carport without a variance. The Board has no grounds for granting an application simply because the applicant wants it, she explained. There must be a topographic problem or hardship involved in order for the Board to grant it.

If the applicant feels the Ordinance is unreasonable, Mr. Smith said he should bring it before the Board of Supervisors and ask them to change the Ordinance. There have been many similar requests of this Board and the citizens are not aware of the fact that the Ordinance was set up to allow reasonable use of the land, not maximum use. The Ordinance is very specific in what the Board can or cannot grant and they cannot take into consideration personal desires of the applicant. Perhaps the Board of Supervisors should take a look at the setbacks on carports throughout the County.

There could be a separate structure on the rear of the property, Mrs. Henderson said.

This would necessitate building a retaining wall and doing some leveling Mr. York said, plus it would block the view from the windows in back.

No opposition.

Mr. Smith moved that the application of Clifford W. York, application under Section 30-6.6 of the Ordinance, to permit erection of carport 11 ft. from side property line, Lot 32, Sec. 2, Marlo Heights, (6538 Marlo Drive), Falls Church District be denied as the applicant has not shown a hardship as defined by the Ordinance. He can construct a one-car

carport for his use in the area in which he desires a carport, with the possibility of an alternate location on the property. Seconded, Mr. Barnes. Carried unanimously.

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ESTHER M. BUCKLER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 3, Section B, Wilton Woods (4024 Pinebrook Road), Lee District (R-17)

Letter from the applicant requested withdrawal of the application as the neighbors were opposed. Mr. Smith moved that the request be granted and the application be withdrawn. Seconded, Mr. Barnes. Carried unanimously.

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FOUNTAINHEAD, INC., to permit construction and operation of a day and resident summer camp and year round school for students from 8 to 14 years old with special academic, vocational and cultural courses for older students through adult. It is proposed to operate 12 months per year and activities will be scheduled at all hours as appropriate to their purposes. Master plan provides room for at least 600 students, operation of store to sell sundries, camp supplies, academic supplies to students and campers, property off Hampton Road, Rt. 647, adjacent to Northern Virginia Archers property, Lee District (RE-1)

Mr. John Ringle, President of the Corporation, made the presentation. Southwestern Fairfax County has long been an area of interest to him as far as development goes, Mr. Ringle stated. It is an area proposed by County planners as an area of relatively low density. His interest in that area began about six years ago and he undertook some five acre developments with the idea of retaining this open rural type of atmosphere. He lives in the area himself and is very concerned about the growth of the area. His corporation has a very strong interest in the area, having developed 688 acres in that part of the County, and they are now searching for more land to develop in five acre estates. They have come across a 167 acre tract on the Occoquan and in the process of analysis that was undertaken with Mr. Coleman, Soil Scientist, they found that they could develop another five acre community very easily. The area is beautiful and while they were analyzing the situation they became aware of a regional park proposed for the north side of the Occoquan. They have discussed their ideas with the Director of the Northern Virginia Regional Parks Association, and with Mr. Fred Babson, Chairman of the County's Organized Council for Youth. The idea is that Fountainhead will create a different kind of school, not an academic school, but a school that will fill in the gaps that such schools normally leave. They intend to teach bait-casting, boat safety, true outdoor living, and camping. He hoped that the family would come along with the children when they take an active part in the camping program. The four groupings of cabins or campsites are each centered around the rim of a valley so that from many places on the peaks they can supervise the other areas. They intend to start out with tents on these sites and if the project becomes economically feasible they will replace these with hard structures. Sanitary and laundry facilities will be located where topography and soils dictate. Their instruction buildings will include three permanent buildings -- an arts building, a mechanics building and a crafts building. They hope this summer to have a pool in operation, with appropriate bath house facilities as dictated by County Health regulations, and to open that to the public for swimming courses. Hiking and riding trails will be stabilized around the area and where appropriate will be wide enough so that they can pull fire protection equipment with a Jeep to give additional protection to the area. These paths will widen at scenic overlooks so that hikers can enjoy the area. This is intended to be a family oriented operation and is intended to encourage the entire family to make use of the camping facilities.

They do not intend to have a trailer park or let people spend a week or two vegetating in trailers, Mr. Ringle continued. If they want to bring trailers they would propose in one area to have facilities at each trailer site where a family could stay and their children could make use of all the facilities that they normally can in a summer camp or a State park type operation. In order to provide supplies for this operation, they would want to include a place for people to buy camping supplies, school supplies, etc. In the winter they would hope to provide several sled runs and a place for beginners to learn to ski. They plan to work with the Park Authority, and while they must exercise some degree of security over the areas where the students will be staying, the use of the entire facility by the public is what they want. If it is not used by the public, they cannot undertake it. This is right in the

middle of 3500 acres proposed for the regional park. They have in mind beginning with an academic consultant from Detroit, Michigan, and in order to attract such people as this they feel they should have faculty cottages right on the lake. Sewage disposal will be by septic tanks and initial soil tests indicate they will be successful. They have been successful in supplying water to subdivisions in the area so there should be no problems here.

Mr. Smith questioned whether or not the applicants would be allowed to use any part of the Occoquan for boating, etc. as he felt the Alexandria Water Works probably had easements prohibiting this.

Mr. Ringle said he had discussed this with Mr. LaFranke and understood that this would be permitted. What they had been trying to discourage, he felt, were water-skiing operations. He thought there might be a restriction on water within 6,000 ft. of the dam.

Mr. Smith said he would like to see something in writing from the Alexandria Water Company, giving the applicants the authority to use the Occoquan in this manner.

Mr. Ringle said that in order to make use of the facilities, one must be registered for a specific course and have paid the fee.

Mrs. Henderson asked if there would be any tutoring of academic subjects.

They had not thought of it, Mr. Ringle replied, but it is a good idea. Their programs will have to evolve in connection with their consultants. They plan to have special seminars in history for adults and children, to teach the things they teach in State parks, but the full evolution of their program of what they would teach is yet to come.

Mr. Smith felt that this was a club type operation since it required membership or registration to anyone participating in any part of the program, other than possibly a visit to the property. He asked if they had a charter.

They do have a corporate charter, Mr. Ringle answered, but they do not have by-laws. He agreed to submit a copy of the charter to the Zoning Administrator for his files. Their intention from the beginning has been to have strictly a summer camp school type operation and it was suggested that it would be good if the family could stay at the same time. This will be a school-camp-recreation area.

Mrs. Henderson read from the Ordinance, Section 30-7.2.8.1.4.2, and said she felt it would be a recreation area.

Their intention is to be underway by this summer, Mr. Ringle explained, with a summer camp operation which will take as many as 600 students; there will be a double size Olympic pool constructed. That is Step #1. Step #2 is to replace the tents as they are economically able to do so, and to conduct their programs for special courses throughout the winter. There is room for 100 cabins.

Then there could very well be 5,000 to 6,000 people on the property at one time, Mr. Smith said.

If the Health Department does not limit their septic field size, Mr. Ringle said they hoped to have 5,000 people. They have provided parking for 366 cars as shown on their master plan for the project.

A family could enroll a son in swimming lessons, Mr. Smith said, and spend the entire summer within the project while he is going to classes -- this doesn't seem like an academy or school, it is more of a recreational setup.

If it is determined that this is recreation ground, Mrs. Henderson stated, the first procedure is that the Planning Commission must approve the site plan. The Health Officer has to approve it also.

Mr. Smith felt that the dormitories proposed by the applicant composed multiple living, something the Board has no authority to grant in this zone.

There would be no toilet facilities, or kitchen facilities in the cabins, Mr. Ringler said. There would be a centrally located bath house, laundry room and dining room.

Mr. Frank Shallop spoke in favor of the application. He felt it would be good for the area and he hoped his grandchildren could take advantage of all it has to offer.

No opposition.

Mrs. Henderson suggested deferring action for two weeks in order to study the proposal further and to get information requested by Mr. Smith.

He hoped the Board would not take a long period for consideration, Mr. Ringle said, as he could be building five acre developments within 60 days. He wanted general consideration and approval of the overall concept.

Mr. Smith pointed out that in the past the Board has been very reluctant to granting any permanent structure in a recreation area and he wondered whether the Board had authority to grant them.

It will probably be 10 years before the entire concept will be developed, Mrs. Henderson said, and it is very premature to grant a permit for the entire thing as vaguely conceived because there may be some question as to whether the Board has authority to grant multiple housing where 7 to 8 years from now the Ordinance might be changed. They have not even discussed the sundries and sale of supplies, etc., whether this will be a retail store in a residential zone, and she did not wish to go into that today.

Mr. Ringle still felt the school type approach was the proper approach and suggested that the Board might allow him to start out with a camp type operation.

Mr. Barnes moved to defer to January 24 for additional information. Seconded, Mr. Baker. Mrs. Henderson asked to know whether there would be sites for camping trailers for the summer or would there just be children camping in tents -- if so, how many? Exactly what will be sold in the store? Where will the store be located? What roadways will be used? Where will the swimming pool be placed? Everything they propose to do next summer should be located and explained. If the camping operation should be granted, it would be an indefinite operation.

Motion carried unanimously.

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RICHMARR CONSTRUCTION CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of a sewage lagoon, off Guinea Road, Rt. 651 (Kings Park West), Falls Church District (R-17)

Mr. John T. Hazel, Jr., represented the applicant. He stated that the application involves the same lagoon in a subdivision that the Board granted a permit for a year ago. They can serve up to 100 families without State Water Control Board approval. Because of a delay in the County scheduling of the Pohick trunk they felt that they should have some insurance just in case there should be a further delay. They plan to go into this section early this year and have homes on the market in 1968. They are asking for an additional 100 families for insurance. The Water Control Board approved additional area in the lagoon, however, with this additional size it becomes a rather expensive lagoon. They talked with Messrs. Hale and Liedl after getting the Water Control Board approval and they are confident that if sewer plans hold to scheduling they will be available for tap in December 1968 and with this in mind it seemed rather useless to proceed with approval of this permit now but rather it would be better to build the phase already approved, and hold the Water Control Board approval in abeyance with the thought that if the County schedule breaks down again they could come back to the Board and ask approval of the second phase. He asked that the application be deferred for 8 to 10 months.

Mr. Smith moved to defer the application for 10 months. Seconded, Mr. Yeatman. Carried unanimously.

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HERMAN H. & MARGARET A. KLARE, application under Section 30-7.2.2.1.6 of the Ordinance, to permit operation of a nursery school, 2 to 5 years old, 50 children; hours of operation 7 a.m. to 7 p.m., 7 days a week, property located at 2021 Hunter Mill Road, Providence District (RE-2)

Mr. Klare said they purchased the property some time ago for rental property but now they felt that a nursery school would be a profitable venture here. They would meet all requirements of the Health Department, Fire Marshal, etc. but before proceeding wished to know whether they would be allowed to operate this facility here. They do not live on the property and do not intend to live there. Their home is approximately 1/8 mile from this. They would be the owners and managers but they would have an associate who would operate the facility - she now operates a facility in a leased building and expects to vacate. She will be the manager of the school and will bring along some of the children which she now has in her own operation. Mrs. Klare is a teacher with the Fairfax

County Schools and has been for 10 years. They have had five children of their own and know that on certain times, Saturdays and Sundays for example, they would liked to have had a place to leave their children. This would be a 7 day a week operation. There is sufficient square footage to allow 55 children according to the Nursery School Ordinance, and there is plenty of parking space on the five acres.

No opposition.

Mr. Barnes was concerned about sight distance at the entrance to this property.

Mrs. Klare said the nursery would be confined to two acres. The barn and pasture area to the rear would be fenced. They would probably only have one vehicle for transporting the children because most of them would be brought by parents.

Mr. Smith stated that he hoped the Klares could find someone to live upstairs. He moved that the application of Herman H. and Margaret A. Klare, application under Section 30-7.2.2.1.6 of the Ordinance, to permit operation of nursery school for 2 to 5 year olds be granted as applied for, for a maximum number of 50 children on the premises at any one time, and that the applicants obtain permission from the Health Department and Fire Marshal prior to issuance of this permit to use the property for this purpose. Also, the BZA will recommend that the Staff recommend to the Board of Supervisors waiver of the site plan requirements as the site plan in this case would not serve any useful purpose. Adequate parking shall be provided in the proper setback area. No less than 4 parking spaces shall be provided. This is from 7 a.m. to 7 p.m. 7 days a week, at 2021 Hunter Mill Road, Providence District. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

STONYBROOK DEVELOPERS, INC., application under Section 30-6.6 of the Ordinance, to permit carport 8.4 ft. from side property line, Lot 10, Section 7, McAdams Addn. to Hillbrook, (6834 Pacific Lane), Mason District (RE 0.5)

(Deferred from December 20 to view the property)

A letter from Mr. Douglas Church, adjacent neighbor, stated that none of the drainage problems had been corrected.

Mr. Haislip said the weather had been holding up the work needed to correct the problems. It would be done within the next two to three weeks.

Mr. Barnes moved to defer to January 24 for correction of drainage problems. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM T. RYAN, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 34 ft. from Hollindale Ct., Lot 502, Resub. Lots 18 thru 29, Hollindale (1600 Hollindale Dr.), Mt. Vernon District (RE 0.5)

(Deferred from December 20 to view.)

Mr. Smith said he did not feel that the open porch was necessary. Why couldn't the garage be moved up, or have a 4 ft. breezeway rather than the 8 ft. as proposed?

Mr. Yeatman moved that the application of William T. Ryan, application under Section 30-6.6 of the Ordinance, be approved to permit erection of a garage 39 ft. from Hollindale Ct. rather than 34 ft. as applied for, Lot 502, Resub. Lots 18 thru 29, Hollindale (1600 Hollindale Drive), Mt. Vernon District. Seconded, Mr. Smith. Carried unanimously.

// New Case:

WILLIAM A. CLEM, application under Section 30-7.2.1 of the Ordinance, to permit gravel operation on approximately 4.749 ac. of land, SW corner of Beulah St. and Haywood Rd. (now Fleet Drive), Lee District (NR-17)

Mr. Holland represented the applicant who was also present.

WILLIAM A. CLEM - Ctd.

Mr. Holland stated that there would be no exiting of vehicles from the property to Beulah Street; they must all exit through the industrial area and use Fleet Drive. They would like a permit for two years. Normally Mr. Clem would finish in less time than that, but the two years would allow for any holdup due to bad weather. They would start work as soon as the weather permits, if the permit is granted.

Mr.Smith commented that Mr. Clem does a fine job on restoration of gravel pits and there is no reason to doubt that he would also do a good job here, however, he felt the permit should be granted for one year, giving the Zoning Administrator the authority to grant an additional year if it becomes necessary.

No opposition.

The Planning Commission recommended that the application be approved for two years; that access be limited to Fleet Drive, and that the recommendation of the Restoration Board be adhered to.

The Restoration Board approved the application also, providing that access be via Fleet Drive; that the access have a dustproof surfacing; ~~that~~ that a bond be posted of $2,000 per acre.

Mr. Smith moved that the application of William A. Clem, application under Section 30-7.2.1. of the Ordinance, to permit gravel operation on approximately 4.749 ac. of land, SW corner of Beulah Street and Haywood Road (now Fleet Drive), in Lee District, be approved in conformity with plat submitted and in conformity with restoration plans submitted. Also that the application conform to all other County and State Ordinances, with the following restrictions set by the Restoration Board and Planning Commission -- that access be via Fleet Drive; that the access be dust-proof surfacing; that $2,000 per acre bond be a part of the granting. This is granted for a period of 18 months with proviso that the Zoning Administrator may allow a 6 months extension without formal BZA approval if needed in order to complete the operation. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Robert Fitzgerald appeared before the Board representing Charles Nevaiser who proposes to build a Mobil Oil service station on the north-westerly side of #123 in Vienna. Their site plan had been approved by the County but then was reconsidered to be coordinated with an application, next door, within the Town of Vienna. This took up more time and the year was up before anyone realized it. They are ready to go now and they need an extension.

Mr. Smith felt that the extension could not be granted because the permit expired in October and there was no permit existing now.

Mrs. Henderson said she felt that Mobil Oil Company was getting very lax; the Board had to grant an extension at their last meeting on a permit that expired in March - this was due to drainage problems, etc. in connection with Tripps Run. She said she would like to see a letter written to Mobil saying the Board has granted extensions twice and from now on if they anticipate difficulties they must apply for the extension before their permit expires. This will be the last time the Board will grant an extension on a permit that has expired.

Mr. Yeatman moved to grant a six months extension, to April 12, 1967.

Mr. Smith felt that a new application would have to be filed since the permit on the other one had expired and the Board had no authority to grant an extension.

Mr. Barnes seconded the motion. Carried 4-1, Mr. Smith voting against the motion.

Mr. Smith moved that the Zoning Administrator notify all attorneys for oil companies who normally appear before the Board, that the Board is taking the position that any expired use permit will not be re-activated or revised after it has expired. The applicants are put on notice when they receive their use permit that if they do not start action within one year it automatically expires. All holders of use permits that are current and on which construction has not been started shall be notified that if they will need an extension they should apply before their permit expires. Seconded, Mr. Yeatman. Carried unanimously.

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The Board granted permission to the VIENNA LITTLE LEAGUE (application granted October 1966) to use the 16ft. outlet road as exit (specifically not Domremy Avenue) for Little League traffic; this seems to be a better

arrangement to have traffic come in one way and leave another.

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Mr. Hazel requested a 6 months extension for the ROLFS NURSING HOME. Mr. Smith moved to grant a 6 month extension to Rolfs Nursing Home in view of the progress that has been made -- granted to July 10, 1967. Seconded, Mr. Yeatman. Carried unanimously.

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RF&P Railroad & Lone Star Cement Company - Represented by Mr. Douglass Mackall. The Board will take this under advisement.

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JOHN R. & MARY T. DEATHERAGE - Mr. Knowlton reported that Mr. Chilton had said that Mr. Deatherage will not have to construct the road if he dedicates the property. The exact amount will have to be worked out with Mr. Chilton's office.

Mr. Smith moved that the application of John R. and Mary T. Deatherage, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, south side of Little River Turnpike between Chestnut Hill Subdivision and Fairfax Hills Subdivision (8211 Little River Turnpike), Falls Church District, be approved as applied for, subject to dedication of right of way to permit widening of the present road system; this is to be worked out with the Planning Engineer in accordance with the granting of this variance. All other provisions of the Ordinance shall be met. Construction of the road is not necessary -- only the dedication. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 6:20 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

February 23, 1967
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 24, 1967 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

I. WARREN & JOYCE PEEPLES, application under Section 30-7.2.8.1.1 of the Ordinance, to permit erection and operation of a dog kennel, on west side of Seneca Rd., approx. 2500 ft. north of Kentland Dr., Dranesville District (RE-2)

Mr. Peeples stated that his wife's hobby is raising toy poodles. The application is simply to allow her to keep more than four dogs. They intend to put the building for the dogs as an adjunct of the house; this will be a new building, air conditioned, with a drain for flushing the animals' wastes directly into its own septic tank. Behind this building will be a separate concrete run which will also have a drain leading to the septic tank. They do not intend to board dogs or have a commercial kennel; they will sell the puppies and that is all. The dogs will never run at large. Eventually they would have up to twenty dogs.

Mrs. Peeples explained that she does breeding on the basis of placing female dogs in private homes on a breeder's plan, therefore it would be primarily show dogs that she would keep in this structure. The house is not yet constructed; they have contracted to buy the 5 acre tract contingent upon getting the permit for this kennel. The kennel has been designed to allow her to walk directly from the garage to the kennel in winter months without having to go out in the weather. Perk tests have been made on the property and they are satisfactory. They will occupy the house before setting up the kennel.

No opposition.

Mr. Yeatman moved that the application of I. Warren & Joyce Peeples, application under Section 30-7.2.8.1.1 of the Ordinance, to permit erection and operation of dog kennel on west side of Seneca Road, approximately 2500 ft. north of Kentland Drive, Dranesville District, be approved subject to Health Department approval for separate septic tanks for the proposed kennel. All other provisions of the Ordinance are to be met. This is a 3 year permit which may be extended for three successive periods of one year each, but not more than six years. Seconded, Mr. Smith. Carried unanimously.

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TYSON'S PLAZA, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of a theatre, property at 8401 Leesburg Pike, Dranesville District (C-D)

Mr. Spence explained that the theatre would be a part of the shopping center. Behind the shopping center is property zoned residential but it is in the Plan for Commercial Development for the County. 915 parking spaces will be provided on the property with parking parallel to Leesburg Pike. People will get to the theatre by walking up a 30 ft. mall from the parking lot. The theatre is proposed to be leased to Wineland Theatres, this is to be their second theatre in Virginia. The other one is proposed in Alexandria.

Mr. Smith noted that the proposed mall is an uncovered one and people might be discouraged from walking to the theatre in bad weather.

The final design has not been completed yet, Mr. Spence said; perhaps it could be covered. The building will be 30 ft. high and is 62 ft. from the residential property line. He showed an artist's conception of what the proposed theatre would look like.

No opposition.

Mr. Smith expressed concern about the side of the theatre next to residential property, and said he hoped there could be some type of ornamental design on that side.

Mrs. Henderson referred to a gasoline station in the same shopping center that the Board had granted previously and said that Mr. Hansbarger had described it as having a very attractive design.

The theatre will conform to whatever statements Mr. Hansbarger made, Mr. Spence said.

No opposition.

TYSON'S PLAZA - Ctd.

Mr. Smith moved that the application of Tyson's Plaza, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of a theatre, property at 8401 Leesburg Pike, Dranesville District, be approved, the building to have a seating capacity of 912 with 915 parking spaces if this is the final figure arrived at by the Staff; that the building be of an architectural design in conformity with the service station, and other buildings going on the same property; and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES W. McGUIRE, application under Section 30-6.6 of the Ordinance, to permit screened patio to remain 4 ft. from side property line, Lot 8, J. G. Bennett Subdv., (2913 Meadow View Rd.), Falls Church District (R-10)

Mrs. McGuire stated that her husband had nearly completed the patio by building along the existing brick wall on the property, but when he was informed that it was in violation he immediately quit working on it. The patio was there when they bought the property and there was a low brick wall along the side. Her husband placed the columns and roof on it. The house is about eight or nine years old. They were building this primarily as a play area for their two small children because during summer months the gnats and mosquitoes make it very bad for them playing outside. They did not plan to enclose the patio, only to screen it. The neighbors on that side have a carport that has been enclosed.

No opposition.

Mr. Yeatman agreed that this was done in violation of the Zoning Ordinance but felt that nothing would be accomplished by making the applicants move the posts in because the wall would be allowed to remain. The applicants were unaware that they were violating the Ordinance, they have not harmed the neighborhood, therefore he moved that the application of Charles W. McGuire, application under Section 30-6.6 of the Ordinance, to permit screened patio to remain 4 ft. from side property line, Lot 8, J. G. Bennett Subdv. (2913 Meadow View Road,) Falls Church District, be approved with the stipulation that this be screened only and at no time will be permitted to be enclosed with glass or other enclosures. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson voting against the motion because it did not meet the error clause of the Ordinance, and Mr. Smith because he felt the Board should view the area before making a decision.

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RAMALLAH AMERICAN CLUB, INC. application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a lodge building and allow building 84 ft. from side property line, NW corner of Old Dominion Drive and Belleview Rd. (8542 Old Dominion Drive), Dranesville District (RE-2)

Letter from the applicant's attorney requested deferral in order that they might give proper notification.

Mrs. Lucas was present and presented a statement in opposition to the application.

Since the Board agenda for February 14 was already full, Mr. Smith moved to defer to February 28. Seconded, Mr. Yeatman. Carried unanimously.

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ELMER GILBERT, application under Section 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Place, (2806 James Drive) Lee District (R-10)

Mr. Gilbert said he sent his wife to the courthouse to get the building permit for the garage in this location. He did not realize that the permit showed the garage in another location. The house is ten or twelve years old and he has lived there for six months. The garage is finished except for the doors and windows.

This is a corner lot, Mr. Smith said, and 20 ft. from the street might interfere with sight distance. He felt the garage had been built with complete disregard to the Zoning Ordinance since the applicant had the permit and did not read it for setbacks, etc.

No opposition.

Mrs. Henderson read a statement signed by three neighbors supporting the application.

January 24, 1967

ELMER GILBERT - Ctd.

Mr. Smith moved to defer to February 28 to view the property, deferred for decision only. Seconded, Mr. Yeatman. Carried unanimously.

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LANGLEY SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of an addition to school or new building, pre-kindergarten through 6th grade, 300 children, property at 1411 Balls Hill Road, Dranesville District (R-12.5)

Mr. Douglass Mackall and Mr. Pleasants represented Langley School.

Mr. Mackall said he understood that the Health Department says the septic tank cannot take any more students. He would like to go ahead and have the Board's permission to work this out with the Health Department. The nearest sewer is at #495; in eighteen months it will be at the intersection of Lewinsville Road and Dolley Madison Boulevard. For the school to use it, they would have to pump to it because the school is lower. They wish to build two new classrooms and a science-art room upstairs. They would do away with one existing classroom by turning it into an office. Their enrollment permitted under the present permit is 205. They would like to have 225 subject to Health Department approval on septic field and when sewer comes there would like 250. The drainfield can be enlarged to take 225.

Prior to construction of the addition, Mr. Smith felt the road dedication should be completed.

Mr. Mackall said he was working on that and after dedication their total acreage would be just under 5 acres.

Mr. Pleasants said they had not intended to enlarge their parking area with the addition as they now have more than adequate parking for the 14 members on their staff. They have three school buses but they do not stay on the property, the drivers take them home.

No opposition.

Mr. Smith moved that the application of Langley School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of addition to school or new building, pre-kindergarten thru 6th grade, be approved for a maximum of 250 students at any one time based on approval by the Health Department of enlargement of the septic system to accommodate 225 now; ultimately 250 at such time as the school might connect to public sewer; that the dedication be made for road widening. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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CARL HALES, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 9 ft. from rear property line, Lot 32, Sec. 3, Tauxemont (1233 Shenandoah Road), Mt. Vernon District (RE 0.5)

Mr. and Mrs. Hales were present, along with Mr. Printz, their builder.

Mr. Printz stated that the house is a three bedroom one story rambler. The house is not set square on the lot and they have a problem of a terrace in back of the house, with a terrace in the front also. They would like to build an addition for a family room, which would carry the same roof line. They bought the property in 1964. There would also be another bath in the addition as there is only one in the house now.

Mr. Smith felt that the proposed addition was much too large. There is a topographic problem on the property, he admitted, but a smaller addition would be satisfactory. The request is for more than the Board can grant even under a topographic hardship. This is a 16 ft. variance.

Mrs. Henderson suggested changing the design of the house and extending it out to make an "L".

Then they would be coming into the front terrace, Mr. Printz said, which is about 8 ft. in front of the house.

Mr. Smith said he did not question the topographic problems connected with this lot but the addition is almost one half as large as the present house and the applicants are seeking a tremendous variance. The Board cannot grant a maximum, only a minimum variance.

The proposed addition could certainly be cut down 4 ft., Mrs. Henderson said.

Mr. Smith said he would not consider a 20'x27' addition; the most he would go along with would be 16' or 18'.

No opposition.

CARL HALES - Ctd.

Mr. Baker moved that the application of Carl Hales, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling, Lot 32, Section 3, Tauxemont (1233 Shenandoah Road), Mt. Vernon District be approved for a 20 ft. addition no closer than 13 ft. from the rear property line rather than 9 ft. as applied for. Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion.

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PETER C. PIRANEO, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 6 ft. from side property line, Lot 178, Section 3, Annandale Terrace (4417 Medford Drive), Falls Church District (R-10)

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Mr. Piraneo said he had just purchased the home last month and wished to erect a garage. Some people in the subdivision have carports. The subdivision is about seven years old. His main problem, he said, is the problem of storage. This is a split level home and there is no place for storing ladders, wheelbarrows, etc. The lot slopes from right to left. The garage would carry the line of the house and would enhance the property, he said.

Mr. Yeatman suggested that the applicant could build a 10 ft. garage but Mr. Piraneo said this would not be satisfactory as there would not be enough room for opening the car doors.

If the major need is storage, Mrs. Henderson said, the applicant could certainly put a storage shed in the rear of the house. However, she said she would like to view the property before making a decision.

No opposition.

Mr. Yeatman moved to defer to February 28 to view. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS A. CAREY, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, wading pool, bath house and other related recreational facilities, south of Rt. 50 adjoining Brookfield Subdivision, Centreville District (R-12.5 Cluster)

Mr. John T. Hazel, Jr., represented the applicant and was accompanied by Mr. Schoock, representative of the citizens association being formed for Brookfield.

Mr. Hazel stated that there are 150 occupied homes in the development now with 100 more in various stages of construction. There are 500 single family lots in this area. The area is bisected by 32 acres owned by the Fairfax County Park Authority which they have agreed to operate as a County park. There are two acres proposed for the site of the community swimming pool serving this area. They have discussed the location with the Park Authority and they have encouraged it. It will be developed by Mr. Carey as a part of the development and at such time as the citizens group becomes financially able to operate it, it will become a community operated function. The pool is scheduled to open on Memorial Day 1967. All of this area is oriented toward school and pool location and it is hoped that this will be mostly walk-in trade. These pools are not economically feasible without 200 or 250 active members. This development of 470 homes should generate such a pool membership without too much trouble but it will be two to three years before they can reach the 250 membership. The size of the pool is designed to accommodate this many members. There is ample area for as much parking as is needed. There are two other pool sites proposed already in the total project, one primarily for the town house residents and another pool for the single family residents. This proposed pool (in the application) will serve the 470 single family lots in Section I and perhaps some additional.
One must make application and pay a fee to join. Mr. Carey will probably have to operate it for two years.

Mr. Schoock stated that the citizens organization is being formed now; they hope by the middle of February to have their by-laws. A gentleman from the Federation of Citizens Associations is coming to their next meeting to talk with them.

Mr. Hazel said the land would ultimately be dedicated to the Park Authority, but not the facilities. They will be operated by the Citizens Association.

Mr. Smith was concerned about the Park Authority opening up the swimming facilities to the public. He wished to protect the citizens in Brookfield.

THOMAS A. CAREY, INC. - Ctd.

Mr. Smith felt that the permit should be granted to Mr. Carey at the present time and if the Park Authority takes over the operation, they would need a use permit in order to operate the facility. He said he would like to see a more definite plan showing that the citizens association would take over the control and actual operation of the facility.

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Opposition:

Robert N. Hopkins, owner of Lot 118, Section II stated that there are a tier of houses between his house and the proposed pool. He felt that Mr. Carey's action as proposed here was premature by several years. His main objection would be to parking for the pool, he said. He could envision cars parked all along his street, clogging the entire area. Also he was worried about noise that would come from the pool and light glaring into his bedroom windows. It could be an attractive nuisance and get out of control. He felt that people were entitled to the privacy of their own homes and this pool would interfere.

Would you feel better about this operation if it were controlled by the Citizens Association, Mr. Smith asked?

Very definitely, Mr. Hopkins replied.

Mr. Armstrong, owner of Lot 94 across the street from the pool, said he would not object to the pool per se, however, at the moment there is a stable in this location with several horses. He wondered how the land would be treated to get rid of the tetanus bacillus. His vet has informed him that the tetanus bacillus remains in the ground for many years. If the pool is constructed, he felt that control of it should remain with citizens in the area. He suggested that Mr. Carey attend the meeting of the citizens on February 8 and present his plans to them. He purchased his home last summer, Mr. Armstrong continued, and he was unaware that a pool would be built in this location -- the plat showed it to be behind the town houses and this area was to be a park.

Mr. Hazel, in his rebuttal, said that one objector apparently is a disgruntled property owner and the other one lives quite a way from this. Mr. Carey is putting some $60,000 into this pool without any responsible individual available with whom he can talk.

Why couldn't this be turned over to the citizens association, Mr. Smith asked, rather than to the Park Authority?

We cannot ask Mr. Carey to turn this over to a non-existing citizens association, Mr. Hazel replied. As early as there is any responsible group available to run this, Mr. Carey will turn it over to them to run it. The Park Authority has said that they want the land.

The Park Authority sometimes overlooks the needs of the citizens in the area, Mr. Smith said. He thought the citizens should have control of these facilities intended originally to serve the community in which they are placed.

Mr. Schoock said the citizens association being organized have elected temporary members for six months and have organized a meeting for February 8. Approximately 30 people were present at the last meeting and they hope to have more next time. He has lived in Brookfield for 15 months.

Mr. Smith said he feared that the Park Authority would want to run the operation and he felt that Mr. Hazel should assure the Board that the citizens group would retain control of the operation.

Mrs. Henderson could not conceive of the Park Authority wanting to run this if the citizens desire to do it.

Mr. Smith agreed with Mr. Armstrong's suggestion that Mr. Carey attend the meeting of February 8 and outline his plans in detail.

They are just about at the end of their time limit if they plan to open early in the summer, Mr. Hazel said, and secondly, he felt that 25 or 30 citizens who just moved into a project could not plan for the whole project.

Mr. Yeatman moved that the application of Thomas A. Carey, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, wading pool and bath house, south of Route 50 adjoining Brookfield Subdivision, Centreville District, be granted with all provisions of the Health Department and other County departments being met; that the membership be limited to 300 with adequate parking provided, at least 100 parking spaces; that the operation open at 9 a.m. for individual swim instructions, and from 10 a.m. to 9 p.m. for normal swimming; that lights from the pool be directed onto the pool property so they will not glare or shine on residential property; that there be no music played or public address announcements that can be heard away from this property and no

playing of music after 9 p.m. This will operate Memorial Day through Labor Day of each year; that membership be primarily for the Brookfield and Brookside community. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion. He felt it should be deferred in order for the citizens to become better acquainted with the proposal.

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DOROTHY SCHEIDECKER, application under Sec. 30-7.2.8.1.2 and 30-6.6 of the Ordinance, to permit operation of riding stable and permit riding ring closer to side property lines than allowed, Lot 27, Fairfax Farms, Centreville District (RE-1)

Mr. Harold Miller and Mrs. Scheidecker were present.

Mrs. Scheidecker wishes to conduct a riding stable, giving lessons of limited instruction, Mr. Miller explained. She has two horses of her own on the premises at this time. She would have two more at the most. There would only be one student at a time because of her selective method of teaching. On three sides of her property is vacant land, and on the other side, Valley Road. This subdivision was dedicated in 1945 and the lots vary from 2.9 acres to 4.2 acres. Frontage on most of the lots is 200 ft. as is Mrs. Scheidecker's. She has approximately 3.38 acres. The stable was on the property when Mrs. Scheidecker purchased it last July. There was a ring immediately adjacent to Lot 28, 50 ft. by 75 ft. in size, but due to the slope of the terrain and the size, it was found inadequate for Mrs. Scheidecker's purposes and it was removed. She proposes to construct a ring in the middle of the lot, 75 ft. by 100 ft. Currently the property slopes but she would fill it to make it level. This would be a regular split rail type of fence painted white - it would not be a large structure. Everyone in the neighborhood is in accord with her plans.

No opposition.

Concensus of the Board was that no variance was needed in this application since the ring is actually a moveable fence.

Mr. Smith moved that the application of Dorothy Scheidecker be approved. The stable was placed in this position several years before this property owner purchased the property; four horses have been kept there for a number of years and this applicant intends to have only four horses. This would remain a non-conforming use that has been established for a number of years. The applicant should be granted a use permit under the section under which she has applied for a riding stable or riding ring. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

CARROLL NORFOLK, to permit erection and operation of a service station, NE corner of Beulah Street and Hayfield Road, Lee District (C-N)

(Deferred from October 11 for Fire Department approval and building plans.)

Originally they filed for a self-service station, Mr. Norfolk said, and the application has been amended since then. This will be a quick type operation, for the sale of gasoline, oil, etc., no repairs. They have a grocery store and snack bar there already and there is a need for a service station in this area. This will be a brick service station as shown on the rendering presented to the Board. They bought the property in 1963.

No opposition.

Mr. Smith moved that the application of Carroll Norfolk, to permit erection and operation of service station at the northeast corner of Beulah Street and Hayfield Road, Lee District, be approved as applied for, for service station use only, in conformity with plats submitted. All other provisions of the Ordinance must be met. There will be no service bays and no activities at the station other than the dispensing of gas, oil and accessories. This should be a brick and glass station as shown on the rendering presented. Seconded, Mr. Yeatman. Carried unanimously.

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JOSEPH J. GRANT, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to dwelling 31 ft. from street property line and 9.7 ft. from side property line, and allow existing carport 9.7 ft. from

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JOSEPH J. GRANT - Ctd.

side property line to be enclosed, Lot 110, Sec. 2, Sleepy Hollow Manor, (6406 Carolyn Dr.), Mason District (R-12.5)

(Deferred from December 20 for plats reducing the variance request.)

The applicant was not present. Mr. Smith moved that the applicant be notified that he must be present on February 28 or state why he is not present, otherwise the application will be denied. Seconded, Mr. Yeatman. Carried unanimously.

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STONYBROOK DEVELOPERS, INC. application under Sec. 30-6.6 of the Ordinance, to permit carport 8.4 ft. from side property line, Lot 10, Sec. 7, McAdams Addition to Hillbrook, (6834 Pacific Lane), Mason District (RE 0.5)

(Deferred from January 10 for drainage situation to be corrected.)

Mr. Haislip was not present and there was no word on the drainage situation, therefore Mr. Smith moved to defer to March 14. Seconded, Mr. Yeatman. Carried unanimously.

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FOUNTAINHEAD, INC., to permit construction and operation of day and resident summer camp and year round school for students 8 to 14 years old with special academic, vocational and cultural courses for older students thru adults. Proposed to operate 12 months per year and activities will be scheduled at all hours as appropriate to their purposes. Master plan provides room for at least 600 students, operation of store to sell sundries, camp supplies, academic supplies to students and campers, property off Hampton Rd., Rt. 647, adjacent to Northern Virginia Archers property, Lee District (RE-1)

Letter from the applicant requested deferral. Mr. Smith moved to defer to February 14. Seconded, Mr. Baker. Carried unanimously.

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Mr. Woodson asked for clarification -- when does the time start on cases that have gone to court? From the date of court action or the date of BZA decision?

If there comes a time when the Zoning Administrator has a question in connection with this, it might be better to answer these things on a specific basis, Mr. Smith said, there might be some unusual situation in some of these cases, but it does appear that in any case contested in court that the applicant if he is rendered a favorable decision in court should have one year from the date of the rendering of this decision to implement this variance or use permit. The other Board members agreed.

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VIENNA LITTLE LEAGUE - Question of access via the 16 ft. outlet road.

The Board granted the use of the 16 ft. outlet road to Vienna Little League at their last meeting, Mrs. Henderson said, and after viewing the property and seeing the houses next to the road, she felt the Board had made a mistake. The road runs right along the windows of the houses. Also, she said she was unaware of the 12 ft. outlet road which is actually the Grays' private driveway.

Mr. Barry Murphy represented the Grays, stating that the 12 ft. outlet road has been in their deed since 1925 and a shed has been setting at the end of the outlet road for the past 30 years. They have been using the road as a parking area for their cars for the past 30 years. The 16 ft. outlet road is not dedicated and Virginia Avenue is not dedicated. Both the Grays and the Bartletts have been maintaining the outlet road to keep it passable.

At the last meeting when the Board granted the use of the road, both Mr. Yeatman and Mrs. Henderson had thought the land on both sides of it was vacant land.

Mr. Bartlett objected to the use of this road by Little League because it is a one lane road and if there were 50 cars coming out from a ballgame and he wished to enter his driveway, he would have to wait for those cars to come out, he said.

In going back over the minutes of the original hearing, Mrs. Henderson noted that Mr. Adams had stated that the 16 ft. outlet road would not be used. When it came up again, no one remembered the objection to the road and the Board granted use of it because they felt it would improve the traffic situation.

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VIENNA LITTLE LEAGUE - Ctd.

The 16 ft. outlet road is indicated on the plat as an outlet road, Mr. Smith said, and he felt that Little League had established a safety factor in trying to alleviate the congestion by having a one way traffic situation. This would not prohibit the outlet road from being used for two-way traffic by others than Little League. If they utilize the outlet road then they should help maintain it.

Mr. Murphy read from Deed Book C9, page 359 in connection with conveyance of 1/3 acre to give access to Virginia Avenue and said he did not feel the road was a public thoroughfare in any way, shape nor form.

Mr. Kassabian said he was not aware that Mr. Adams had stated that the 16 ft. road would not be used. If they use only the 26 ft. outlet road, this will place an undue burden upon property owners living along that road with so much traffic going and coming.

The 26 ft. road only was perfectly acceptable when the permit was granted in October and apparently those people did not object, Mrs. Henderson pointed out.

Mr. Kassabian said his office had done the title work on this property and the 16 ft. outlet road is definitely a right given to the Vienna Little League property.

If the only access to a property is via a dangerous road and the traffic annoys the people living along it, Mrs. Henderson said the use did not belong here. If this is the case, then the Board made a mistake in giving a permit to Little League to use this property.

Mr. Smith was in agreement with the use of the 16 ft. outlet road by Little League to promote better traffic circulation and lessen hazards. This would benefit the entire community as weighed against the nuisance that might be caused to two families living along this road.

Mrs. Henderson stated that she did not think it proper to have 100 cars every night annoying two people, especially the Grays who have been here for 31 years.

Mr. Yeatman moved that the application of Vienna Little League be amended to read that the egress from their ballfield be through the 26 ft. outlet road only to Hibbard Street and not through the 16 ft. outlet road as shown on the plat. Seconded, Mr. Baker.

Mr. Smith asked that the motion be amended to read -- not to use the 16 ft. outlet road for a period of one year -- and let the attorneys work this out.

Mr. Yeatman did not think they should make any use of the road. If it were in the State system and completely developed, then everyone would have a right to use it. If times change and the road is developed, then it is no longer a 16 ft. outlet road. Mr. Yeatman accepted the amendment, but said if they use the road within one year, they are violating their permit. The Board must protect the people who have lived in the area for 30 years. This does not mean that they can automatically use the road after one year -- they must come back to the Board and reopen the case.

Mr. Bartlett said he felt the question should be answered today, not put off for a year.

Mr. Kassabian said they would try to work with the community - if the two way traffic on the 26 ft. road is adequate then they won't come back and ask to change it.

Mr. Murphy stated that a year was fine; he would advise his client within this time to file suit to acquire title to the property. This could answer the problem. They will find out whether this Board has jurisdiction to grant use of the 16 ft. outlet road and Virginia Avenue.

Mr. Baker moved to rescind action of the Board of Zoning Appeals of January 10 granting permission to use the 16 ft. outlet road. Seconded, Mr. Smith who wished to add "for a period of one year".

After much discussion Mr. Yeatman restated the motion - that the Board rescind the motion granting the use of the 16 ft. outlet road to Vienna Little League and that the outlet road from this property should be through the 26 ft. outlet road only for a period of one year; after one year they may come back and reopen the case provided they need the 16 ft. outlet road access. Seconded, Mr. Baker who noted the year starts today. After more discussion the motion was again amended to read one year from the use of the baseball fields by Little League.

Motion carried 4-1, Mrs. Henderson felt the road should not be used; prohibition should go on permanently now.

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January 24, 1967

Mr. Mackall appeared before the Board once again regarding the location of a cement plant on railroad right of way which has no zoning.

The Board felt that this was an industrial use and should observe industrial setbacks. Mr. Mackall did not agree -- it is not zoned industrial If there is no district then there should be no setbacks.

After a lengthy discussion, Mrs. Henderson stated that there is not enough room and she did not think a hardship could be proved. If it were zoned residential, the industrial use could not go there; if it is considered industrial it must meet industrial setbacks. She did not think this Board could resolve it. The other members agreed.

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The meeting adjourned at 6:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

February 23, 1967
Date

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306

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 14, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

VILLAGE WEST, INC., application under Section 30-7.2.6.1.2 of the Ordinance, to permit erection of a swimming pool, wading pool, bath house, and other related recreational facilities, and permit swimming pool and bath house 30 ft. from Elkton Drive (7005 Elkton Drive), Mason District (R-17)

Mr. Bernard Fagelson represented the applicant. The applicants are the developers of King's Park, Mr. Fagelson said, and they wish to do the same in this application as with the other two pools in King's Park. The land will be donated to a non-profit citizens association for the purpose of establishing a swimming pool. The citizens association has now been formed.

What are the "other related recreational facilities", Mr. Smith asked?

They hope sometime in the future to be able to have tennis, Mr. Fagelson replied, but right now they are concerned only with getting the pool built. If they do build a tennis court they would come back for site plan revision and approval. All persons who purchased homes in this subdivision are aware of the pool location. They are asking the variance because of topography problems.

The engineer who was present representing Greenhorne, O'Mara, Dewberry and Nealon, stated that the pool was placed in this location because the grounds falls away very rapidly from the cul-de-sac. The costs involved in moving the facility to the rear would price it out of the market range. As it gets nearer the stream the property falls off more rapidly.

Mrs. Henderson suggested changing the shape of the pool to cut down on the variance request.

With the membership involved, the engineer explained, any way you locate the pool would take up just about the same amount of room and they need this size pool. The bath house was placed in this location to meet the sewer. They must be 5 ft. above the sewer.

It could be moved back, Mr. Smith said, and have more foundation block put under it and still meet the sewer. There is a topographic situation but he felt it was one with which the applicants could live with additional expense.

Major Bornstein from the citizens association stated that they had checked with other pools in the area and had found out that their membership was only about 65% of the homeowners in the area. They had canvassed their own area and found out that not too many people were interested in a pool and some had already joined the Rolling Hills pool. With 400 families in the subdivision, the most they could get to join would be about 250 families. The entire pool would probably cost $80,000. 250 members with $325 dues and membership fee would be $82,500.

Mrs. Henderson still felt the pool should be moved back at least 3 ft. The deck could remain at 30 ft.

Major Bornstein said that 100 families have joined at this time. They have shown 51 parking spaces on the plat.

Mr. Smith felt that the Board might allow the applicants to start out with this number of spaces but if more were needed they would have to be provided.

Major Bornstein stated that they wished to open on July 4.

Mr. Roy Johnson said he was not opposed to the pool in this location but he was concerned about cars parking along Elkton Drive.

If there are cars parked on Elkton Drive in connection with the pool, Mr. Smith said that Mr. Johnson should inform the Zoning Administrator so that this situation could be corrected.

No opposition.

Mr. Smith moved that the application of Village West, Inc., application under Section 30-7.2.6.1.2 of the Ordinance, be approved in part -- to permit erection of swimming pool, wading pool and bath house, 7005 Elkton Drive, Mason District, but the portion of the application dealing with related recreational facilities and the variance request would not be a part of the granting. It is understood that the 51 parking spaces allocated

and shown on the plat accompanying the application will be in proper use prior to the opening of the pool and if this proves to be inadequate, that the Pool Association increase the parking to accommodate all the people using the facility so that they may park on the site itself; that this Board will review the parking in connection with this facility in October 1968. This would not require a new application or fee but would merely be a notification by the Zoning Administrator to the applicant's attorney and the Pool Association to appear before the Board to show that parking has been and will be adequate for the number of members at that time and anticipated membership in the future. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HERBERT H. GARLAND, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8.8 ft. from side property line, Lot 12, Block Q, Section 6, Mosby Woods, (10222 Antietam Ave.), Providence District (R-12.5)

When he purchased the property, Mr. Garland stated that he planned to erect a carport and instructed the builder to move the house over to permit a 12 ft. carport. The builder did not put the house where he should have. Mr. Garland said he has lived in this location for three years and he did not realize until after he had moved in that the house was not located as he had thought. There is a hickory tree in the rear yard which emits sap for two or three months a year and this gets on his car which is parked on the concrete slab. The carport would eliminate this problem.

Mr. Smith pointed out that there was consideration being given the problems regarding carports by the Board of Supervisors, possibly this might result in an amendment to the Ordinance. He felt that the application should be deferred for at least 60 days. If the Ordinance is amended it would eliminate many problems regarding construction of carports throughout the County.

No opposition.

Mr. Smith moved to defer the application to April 11 in order that the study and recommendations now in process might be determined; there is a possibility that the variance would no longer be needed in order to construct a carport on this property. Seconded, Mr. Barnes. Carried unanimously.

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ST. AIDAN'S EPISCOPAL DAY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery, kindergarten and first grade, ages 4 thru 6 year olds, hours of operation 9 a.m. to 2 p.m., 5 days a week, approx. 100 children, (St. Aidans Episcopal Church), 8531 Riverside Rd., Mt. Vernon District, (R-12.5)

Mr. William Croom, Treasurer of the Church, and member of the Board, stated that the school has been in operation since September. They did not know they needed a permit. There are 76 children enrolled. Starting next September they wish to expand the school to include a first grade class with a maximum enrollment of 18, bringing the total number to 94. This is a Church sponsored school. The play area is fenced. Parents bring the children to school and pick them up in the evenings -- no transportation is provided by the School. This is a normal school year operation.

No opposition.

Mr. Smith moved that the application of St. Aidan's Episcopal Day School, application under Section 30-7.2.6.1.3 of the Ordinance, be approved to permit operation of a nursery, kindergarten and first grade, maximum of 100 students on the premises at any one time, ages 4 thru 6, hours of operation 9 a.m. to 2 p.m., five days a week, St. Aidan's Episcopal Church, 8531 Riverside Rd., Mt. Vernon District, and that all other provisions of the Ordinance must be met. Additional site plan will not be required. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL & REFINING CO., application under Sec. 30-7.2.10.3.1 of the Ordinance, to rebuild service station, colonial type brick, northeast corner of Arlington Blvd. and Patrick Henry Dr., (6162 Arlington Blvd.) Mason District (C-D)

February 14, 1967

HUMBLE OIL & REFINING CO. - Ctd.

Mr. Hansbarger stated that they wish to tear down the old porcelain station and erect a new Colonial brick station on the site. The new station will have five bays but it will be a smaller building.

No opposition.

Mr. Yeatman moved that the application of Humble Oil & Refining Company, application under Sec. 30-7.2.10.3.1 of the Ordinance be granted to rebuild a service station of Colonial type brick at the northeast corner of Arlington Blvd. and Patrick Henry Drive, 6162 Arlington Boulevard, Mason District, and that all other provisions of the Ordinance must be met. Seconded, Mr. Smith, who added that it is understood that the rebuilt station would be allowed to cover the same area the existing station now covers if there is no conflict as far as setback requirements are concerned. Carried unanimously.

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TEXACO, INC., application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, north side of #236 approx. 500 ft. west of Evergreen Lane, Falls Church District (C-D)

Mr. Hansbarger stated that a permit had been granted for the station but it expired before construction commenced. They wish to renew what was granted before. This is the same applicant, same property and same size station. It will be a Colonial brick station.

Mr. John Stumpf stated that this will be a three bay station and no variances are being requested.

No opposition.

Mr. Smith moved that the application of Texaco, Inc. to permit erection and operation of a service station on the north side of #236, approximately 500 ft. west of Evergreen Lane, Falls Church District be approved to permit erection of a three bay service station in conformity with plats submitted, for service station use only. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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SOUTHLAND CORP., application under Sec. 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store, 18.8 ft. from side property line (6414 Telegraph Rd.), Lee District (C-N)

Mr. Robert Citron represented the applicant.

Mr. Smith moved that the application be deferred to March 14 to allow the applicant to present proper plats showing existing conditions on the land. Seconded, Mr. Barnes. Carried unanimously.

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HENRY C. LYONS III, application under Sec. 30-7.2.10.5.19 of the Ordinance to permit operation of dance hall, 7321 Richmond Hwy., Mt. Vernon District (C-G)

Letter from the applicant requested withdrawal of the application.

Mr. Smith moved to allow the application to be withdrawn. Seconded, Mr. Barnes. Carried unanimously.

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D. CARROLL MCGEAN, application under Sec. 30-7.2.10.3.5 of the Ordinance, to permit erection and operation of a miniature golf course, on west side of #1 Highway, approx. 150 ft. south of Southgate Dr., Lee District (C-D)

Mr. McGean said he wished to erect a miniature golf course on the property with parking provided for 36 cars. The parking area could be expanded if necessary, but he felt that 36 parking spaces should take care of 36 holes of miniature golf. The operation will be an investment on his part; he will have his own employees as he could not be there all of the time. The property is being leased from Giant Properties and they have been assured that they can operate here for at least two years. The first 18 holes will be open in April and the second by June 15. Their equipment will be easily removable and the walkways will be of Colonial Williamsburg brick, with sod in between, with a pole rail fence. They probably would close around 10:30 or 11:00 p.m. except on Saturday nights when they would stay open until 11:30 p.m.

No opposition.

February 14, 1967

D. CARROLL MCGEAN - Ctd.

Mr. Yeatman moved that the application of D. Carroll McGean to permit erection and operation of miniature golf course, west side of #1 Highway, approx. 150 ft. south of Southgate Drive, Lee District, be approved as applied for. Seconded by Mr. Smith who added -- this is leased for a two year period or less if the applicant loses his lease on the present location. If he moves, the operation will have to have an additional permit and if parking should prove to be inadequate additional space will have to be provided. 36 parking spaces shall be provided initially and more if needed. Mr. Yeatman accepted. Carried unanimously.

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.1 of the Ordinance, and Section 30-6.6, to permit operation of dog kennel and permit building and runs closer to side and rear property lines than allowed, Lot 3, Blakely Manor (1366 Lancia Drive) Dranesville District (RE-1)

Mr. Hatcher stated that at present he has seven dog runs. The dogs are used for sentry work and he has had the operation for approximately 7 years. The dogs are sent out for guard duty at night and are brought back to the premises the next morning. These are German Shepherd dogs and he has 10 of them at the present time. He has lived on the property since 1955, at which time he had two dogs. He does not raise dogs to sell and does not board dogs. The only dogs which he trains are his own. His job is that of a private detective. One of his dogs is used to guard Evans Farm Inn at night. The other dogs are used mostly in the District of Columbia.

Mr. Hatcher said the new dog runs had just been constructed and the old ones will be abandoned. Each dog has a separate house within the run. He presented eight signatures of people living in the area in favor of the application. He said that a letter had been sent by Mr. Chester Walton opposing the application but he had now changed his mind and was no longer in objection.

Opposition: Mr. Jessie Wilson represented Mrs. Jewett, adjoining property owner. He stated that Mrs. Jewett had had no objection to the dogs being there in the past but is opposed to any official sanction being given to this use. The dogs have bothered her with noise and odor and she feels that the use as contemplated by Mr. Hatcher would have an adverse effect on the use of her property. He did not feel that the operation could be moved to meet the setbacks required and a variance would have to be granted so it could operate. He felt that the Board did not have authority to modify or vary any of the specific requirements of the ordinance and they could not grant a variance on the 100 ft. requirement. The Jewetts own 25 acres. They have not opposed the operation in the past because they felt that this was Mr. Hatcher's only means of livelihood and they did not wish to deny him that.

Mrs. Lois Miller, attorney, represented a number of people in opposition. Mr. Lawson, owner of Lot 1, has lived on the property since 1960 or 1962 and Mrs. Miller said he told her that Mr. Hatcher only had two collie dogs when he moved there. Mr. Whitmore has lived on his property since 1961. The people living across from Mr. Hatcher have had to bear the brunt of the signs and flood lights at night. They have lived here for nine years. She also represented Dr. and Mrs. Harrington, living next to the Harris's, and the Waltons. She said she had spoken to Mr. Walton on Saturday and he was still in opposition to the application even though Mr. Hatcher had stated that he had changed his mind. Mrs. Sherwood, owner of 25 acres, is also opposed to the application, she feels it is a commercial use. These citizens have put up with the terrific stench in the summer, the noise in the evenings when the dogs are being taken out, and the noise again in the mornings when the dogs are brought back. There is also a sign in the front of the property advertising Mr. Hatcher's detective agency.

Mrs. Miller continued, stating that there is no sewer or water available for keeping the dog runs and kennels clean. There should be some method of hosing the runs to keep them clean. There has been such escalation of this enterprise that it has now gotten to where the adjoining land owners are quite upset. People are afraid of the dogs and don't feel safe about their children going out of their yards.

The signs are very definitely a violation, Mr. Smith said, and they should be removed. The telephone number on the truck advertising Mr. Hatcher's Washington office is also objectionable. Since the operation began a number of years ago, according to Mr. Hatcher, it amounts to a non-conforming use under the Ordinance and he has a right to continue. But he should meet proper setbacks, the number of dogs should be limited, the odor and noise controlled, etc.

It has been scaled off, Mrs. Henderson said, and Mr. Hatcher cannot meet setbacks. The shape of the lot prohibits it.

February 14, 1967

WILLIAM H. N. HATCHER - Ctd.

Mrs. Harris stated that in 1955 Mr. Hatcher only had one dog. The sign has been there for five years advertising the kennel.

Mr. Lawson, adjoining property owner, stated that he moved into the area in 1962 or 1963. At that time Mr. Hatcher had two collie dogs. The operation as conducted now is a commercial operation. It has been growing rapidly. He did not complain about the operation earlier as he had thought it was Mr. Hatcher's only means of livelihood and he did not wish to deny him that. He objected to the odor from the kennels, the noise from the dogs, and because he felt this was a commercial use in a residential neighborhood. The statement was made that they did not board dogs, but Mr. Lawson said he had seen many different types of dogs on the Hatcher property and he would doubt that statement. Some dogs had been bred on the property and he had seen as many as twelve German Shepherd dogs in the kennels at one time. Last week one of the dogs was loose in Mr. Hatcher's yard.

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Mrs. Sherwood said she had lived in the neighborhood for 11 years. She bought the property 18 years ago and now has it rented but in a few years she plans to sell the land for development. The kennels are just to the left of her drive and it does not make a very pretty picture in approaching her place.

Mr. Whitmore, adjoining property owner, said he could not ask for a better neighbor than Mr. Hatcher, but he objected to the signs and the kennel. He moved to his home in 1961 and the only dogs Mr. Hatcher had at that time were collie dogs. The other dogs appeared after 1961.

Roger Bush, Minister of Shiloh Baptist Church, and a resident of the area since 1954, said the Odricks Citizens Association at its last meeting voted unanimously to oppose the application. The community has gone along with Mr. Hatcher for a long while and they do not wish to deprive him of his livelihood but the business has grown to such an extent, they feel that it is in violation of County regulations and Mr. Hatcher should find another place for this type of business. He did not know the exact date of the expansion, he said.

Nine people stood in opposition.

A letter from the Odricks Citizens Association and a letter from Mr. Walton, both in opposition, were noted for the record.

Mr. Hatcher said he had proof at home that he was in operation in 1958 or 1959. As for other dogs being on his property, he said that occasionally people bring dogs out for him to look at before buying them. He does not keep anyone else's dogs or board other dogs, he said. The dog that was seen in his yard last week was probably his house dog, he said, but he was unaware that any of the dogs were outside.

The operation cannot conform to setbacks, Mrs. Henderson said, so it would have to go back as a non-conforming use with the number of dogs Mr. Hatcher had when the amendment was adopted. (January 8, 1964) Since Mr. Hatcher testified that he had eight dogs in 1964 it should be easy to check the dog licenses for that year to get proof of this.

Mr. Hatcher said that each dog is licensed individually.

The Board agreed that the signs should come down right away as they are in violation. The application should be deferred to allow Mr. Hatcher to obtain proof of the number of dogs he had at the time the amendment was adopted, and also he should get a report from the Health Department regarding the use.

Mr. Barnes moved to defer to February 28 for additional information. Seconded, Mr. Smith. Carried unanimously.

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THOMAS A. CARY, application under Section 30-6.6 of the Ordinance, to permit erection of town houses with lot coverage of 38% instead of 25%, Parcel A, proposed Brookside, to permit lot coverage 38% instead of 25%, 20 ft. rear yard setback and 10 ft. for end lot setbacks, Parcel B, proposed Brookside, Centreville District (R-T)

Mr. John T. Hazel, Jr., represented the applicant. He stated that this was the final application on the project at Chantilly. Parcel A as shown on the plat was granted a coverage variance last summer. This is the balance of the project for which they are asking the two variances. The Board of Supervisors last Wednesday granted the off street parking variance for the project.

THOMAS A. CARY - Ctd.

In Parcel A and B both, Mr. Hazel continued, they are asking a variance on lot coverage from 25% to 38%. In Parcel B only they are asking for a variance of rear and side setbacks to allow 10 ft. end yard and a 20 ft. rear yard. The request is occasioned by the difference in design of the project. Parcel A is one type of design with off-street parking, and B will have parking at the rear of the houses. The yield is 6.2 units per acre; this is zoned for 10 units. The 6.2 yield is in accord with representations that were made at the time of the zoning. It is anticipated that the common area will be dedicated to a homeowner's association. There are two tentative pool sites platted on the layout and this application is the last requirement needed to complete the project.

Mr. Yeatman said he had discussed this application with Mr. Yaremchuk and he had been told that the application meets all the new criteria.

No opposition.

Mr. Yeatman moved that the application of Thomas A. Cary, application under Sec. 30-6.6 of the Ordinance, to permit erection of town houses with lot coverage of 38% instead of 25%, Parcel A, proposed Brookside, to permit lot coverage 38% instead of 25%, 20 ft. rear yard setback and 10 ft. for end lot setbacks, Parcel B, proposed Brookside, Centreville District, be approved as applied for as it is in conformity with the proposed town house ordinance under the RT-10 Group. Seconded, Mr. Baker. Carried unanimously.

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J. S. VOORHOOES, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to rear property line than allowed, Lot 7, Block 15, Sec. 3, Belle Haven, (2109 Wakefield Ct.) Mt. Vernon District (R-10)

Mrs. Voorhooes stated that the Board granted an application to them in 1964 for an addition to their house. They did not build it and in the meantime their permit expired. Now they have modified their plans for the addition and would like it approved once more.

The new plat shows the addition closer than the first plan showed, Mr. Smith pointed out.

The other addition was longer, Mr. Voorhooes explained. The new plans show a two room addition, one room on top of the other -- a bedroom and a family room. The lot does have a peculiar shape. The land drops off in the back and the house is situated so that the addition could not go in any other location. The architect said the present plan is more compact and would be cheaper to build.

The Board granted an application on what appeared to be a maximum variance previously, Mr. Smith said, and on what appeared to be a good arrangement. The applicant now comes back with a plat needing a greater variance for no reason other than cost and the Ordinance does not allow the Board to consider cost. The Board's job is to grant minimum relief if there is a problem. This appears to be a maximum request.

According to the original plans, Mrs. Voorhooes said, they would have been closer to houses backing up to them than with the present arrangement.

Mrs. Voorhooes said they moved to the property seven years ago. Their four children are growing up and they need the extra space that would be provided in this addition. The house was built approximately 25 years ago.

Mrs. Henderson felt the addition should be cut down at least 2 ft.

No opposition.

Mr. Yeatman moved that the application of J. S. Voorhooes, application under Section 30-6.6 of the Ordinance, be approved to permit erection of an addition to dwelling closer to rear property line than allowed, that the addition shall be 15 ft. instead of 16.67 ft. as shown on the plat, Lot 7, Block 15, Section 3, Belle Haven, 2109 Wakefield Court, Mt. Vernon District, plats by Copeland, dated January 11, 1967. This is a very irregular shaped lot, the topography of land in the area is rough - and this is a very old subdivision. All other provisions of the Ordinance should be met. Seconded, Mr. Barnes. Carried unanimously.

If the applicant is unable to start construction within the year, Mr. Smith said, he should ask for an extension before the year is up.

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February 14, 1967

DEFERRED CASES:

FOUNTAINHEAD, INC., to permit construction and operation of day and resident summer camp and year round school for students from 8 to 14 years old, with special academic, vocational and cultural courses for older students through adults. Proposed to operate 12 months per year and activities to be scheduled at all hours as appropriate to their purposes. Master Plan provides room for at least 600 students, operation of a store to sell sundries, camp supplies, academic supplies to students and campers, property off Hampton Rd., Rt. 647, adj. to Northern Va. Archers property, Lee District (RE-1)

(Deferred from January 10 for more information.)

Mr. Ringle stated that the Regional Park Authority told him that they were sending a letter to the Board stating that they had no objections but felt that their plans were in close harmony with what they had in mind for the whole area, but after their last meeting decided they could not give 100% endorsement of the plan.

Mr. Winslow from the Regional Park Authority stated that they would like to explore the possibility of purchasing the property from Mr. Ringle. They plan to apply for matching state and Federal funds for purchasing the land.

Do you think this is in the best interests of the citizens and the Park Authority, Mr. Smith asked?

We do, Mr. Winslow replied. This land was a part of their Five Year Plan which was well-advertised throughout the County. It is on the Public Facilities Plan. The land on both sides of this property is also in the Plan but it has not yet been acquired.

If the Park Authority buys the land after Mr. Ringle has developed it, Mr. Yeatman said the people of Fairfax County would be paying a great deal more for it than if buying raw land.

That is true, Mrs. Henderson said, but if the Park Authority develops anything like this, that will cost money also.

Would the development proposed by Mr. Ringle be similar to what the Park Authority would put on the land, Mr. Yeatman asked?

Mr. Ringle's plans call for a school, Mr. Winslow replied. The Park Authority would never build a school along the water. They would preserve the land and have trails, picnic tables, etc. The Park Authority wishes to negotiate with Mr. Ringle for the land as it is today.

Mr. Smith felt that if the land were developed as proposed it would probably price the land out of the Park Authority's reach. A bond referendum has been approved to purchase this land. If the Park Authority can get matching funds could they purchase the property within one or two years, he asked?

Mr. Winslow said they could probably work out a plan at their next meeting. They have not yet made any proposals to Mr. Ringle for purchase of the land.

Mr. Ringle said that Mr. Lightsey told him it would probably take four years to get the bonds sold plus the time to prepare the land and a master plan. When they first acquired the property they intended to develop it into five acre subdivision development. Then they read in the papers of the plan in the future to sell bonds for purchase of 3500 acres of land by the Park Authority. Mr. Ringle and his other investors felt that it would take a long time to acquire this land and in the meantime perhaps they could work out a plan for their own land to be of service to the people and at the same time be a good money maker. They have already put in four miles of trails on the property which they will use regardless of how the land is developed. Their plan is a long term plan. They did not intend to develop the school immediately.

Mr. Smith said he would go along with the plans for developing the land in accord with what the Park Authority ultimately plans if they can come up with a firm commitment on purchasing the property. Otherwise, Mr. Ringle should be allowed to proceed in some direction, whether it be housing or whatever.

Mr. Ringle said he felt that the ultimate best use for everyone was what is proposed.

Since Mr. Ringle only proposes the pool and bath house right away, and no other permanent buildings for quite a while, Mr. Baker said he did not see how it would interfere with the Park Authority's plans to purchase the property later on.

Mr. Ringle said they hope to have the bath house, pool, picnicking area, and trails in operation by this summer.

Mrs. Henderson pointed out that the application did not fit under Group VII

as it is not located on a primary highway. It should be under Group VIII, Recreation Ground.

Before proceeding any farther, Mr. Smith said he would like to know if the applicant had written permission from the Alexandria Water Works to use the waterway.

Mr. Ringle said he had talked with Mr. LaFranke about use of the reservoir. It was explained to him that the only reason he could not get an affirmative letter from them was because they felt it would be used against them as to the value of this reservoir for water supply when the question came up on these condemnation proceedings. They would not give him a letter. They are well aware of this meeting today and they said they would not complain unless someone dumped garbage in the water or does something that would cause it not to be used as a water supply.

Mr. Smith felt the Board should have written consent before voting on the application.

Mr. Yeatman pointed out that Mr. Ringle's deed says he can use the water for fishing and boating.

But these people are paying for fishing and boating and this is different, Mr. Smith said.

If Alexandria Water Company tells us not to rent boats then we should not, Mr. Ringle said. Petrolla is operating entirely on Alexandria Water Works property. They have told him to cease and desist but they are not going to take any action.

Mr. Smith still felt that the Board should ask for a statement from Alexandria Water Works. He said he was interested in seeing Mr. Ringle make a profit on his land but he did not wish to see the land priced out of reach of County citizens.

Mr. Ringle again stated that the only permanent buildings to be constructed on the property at this time would be the bath house and pool.

Mr. Yeatman felt that Mr. Ringle's plans for bath house, pool and the other recreational facilities was a good idea -- if the Park Authority wishes to purchase the land or condemn it they could pay Mr. Ringle for the improvements.

It would be to the County's advantage, Mrs. Henderson agreed, to have something already built rather than acquire the 167 acres of land and let it lie fallow while waiting for money to develop it.

Mr. Ringle said he felt that someone should say thank you for what he is trying to do. They could put a subdivision here with a whole lot less effort.

If Mr. Ringle develops the property with a five acre subdivision, Mrs. Henderson said, this certainly takes the land away from the people of the area. It will take years for the Park Authority to acquire the 3500 acres and with the development as proposed by Mr. Ringle the people of the County would have recreation in the meantime.

Mr. Smith said he would like to see the development coordinated with the Park Authority's thinking, on the basis that they would eventually purchase the land, but if they cannot, then Mr. Ringle should be allowed to proceed. The issuance of the use permit could not take place until such time as there has been full review and approval by the Planning Commission and Health Department.

The application has been referred to the Health Department, Mrs. Henderson said.

Mr. Smith discussed roads in the area -- are they safe for camping trailers and heavy traffic? He still felt that the applicant should have written permission from the Alexandria Water Works before the Board grants any part of the application.

Mr. Ringle said he did not have the slightest intention of asking Mr. LaFrankie for written permission.

If they stop him, that is his problem, Mr. Baker said.

Even if they developed the property as a five acre community they would still need the boat house, Mr. Ringle said, as a place for the owners to keep their boats.

Mr. Winslow said he doubted that the Park Authority would build a boat house, as they use aluminum boats.

They feel that it is necessary to have indoor classrooms for people wanting lessons in boating, Mr. Ringle stated. In order to open in June they would probably have one 20 ft. by 10 ft. structure for a man inside to hand out paddles.

What will the Park Authority do with a boat house, Mr. Smith asked?

It will be a very inexpensive building, Mr. Barnes pointed out. They would not build a very large building all at once.

They will start out with a shelter big enough for a man running the operation, Mr. Ringle said, and it is easily expandible.

Mr. Smith said he would like to see a plat pin-pointing each structure proposed by Mr. Ringle, the size, etc., as required of every other applicant under the Ordinance.

Mrs. Henderson said she did not wish to limit the size of the pool -- let them build as large a pool as possible. The location of the pool is shown on the plat.

Mr. Ringle said they hope to make the pool 2 ft. larger in each direction than the one at Lake Fairfax.

Mr. Smith asked if Mr. Ringle would try to coordinate this with the Park Authority.

Mr. Ringle replied that he would cooperate with them as he has since last October but he will not put his investors in the position of having approval from a body that has no control over this. He planned to develop this so if the Park Authority or anyone else wishes to take it over in the future it would economically be a good thing. They will build as large a pool as possible because they do not want to turn people away.

As soon as a plan is worked out on the pool, skating rink, etc., could it be brought in and reviewed by the Board and made a part of the record, Mr. Smith asked?

Mr. Ringle said he would bring it in and submit it for the record. The best area for the camping trailers is 250 ft. away from the nearest boundary line. There are two existing logging roads in good shape which provide good access. There will be 100 camping sites altogether -- four groupings of 25 each. This includes both trailers and tents. The roads will meet County standards. Hampton Road is a State road and they cannot pave a State road. Probably by the end of the summer they will start replacing some of the tents with lean-tos, or campout type shelters. On 25 of the sites they will allow people to bring their own tents but 75 of the sites will have canvas tents with wooden floors. There will be about one water outlet for each eight to ten tents. There will be ~~four~~ three sanitary facilities with laundry and bath facilities, counselors' rooms upstairs, and dining facilities at the other end for the campers. There will be a central kitchen in one of these buildings. They plan to construct these four buildings this summer while getting the camping going. They will be Butler type steel buildings with stone facing, approximately 120 ft. by 40 ft. There will be no cooking facilities in the counselors' quarters. There will be three Butler buildings of the same basic type construction, 70 ft. by 95 ft. for teaching of arts, crafts and mechanics. The store will be located in the boat house.

The Board reviewed the list submitted by Mr. Ringle and limited the items which could be sold.

No opposition.

Mr. Smith moved that the application of Fountainhead, Inc., application to permit construction and operation of a day and resident summer camp and year round school for students, with special academic, vocational and cultural courses, proposed to operate 12 months per year, activities to be scheduled at all hours as appropriate to their purposes, property off Hampton Road, Rt. 647, adjacent to Northern Virginia Archers property, Lee District, be approved only for the recreational aspects of this application, meaning specifically as follows: The Board has tied this to Group VIII of the Ordinance. There shall be a commercial swimming pool, outdoor skating rink, a boat house with maximum dimensions of 60 ft. by 200 ft. including rental of boats, life preservers and accessory items such as lures, etc. and to house the following items approved for sale: camp stationery, camp envelopes, stamps, ballpoint pens, pencils, erasers, spiral notebooks, condiments, (salt, pepper, mustard, catsup and relish), milk, candy, ice cream,

gum, soda pop, potato chips and crackers, bread and buns, cold cuts, hot dogs and hamburger, T shirts with insignia, sweat shirts with insignia, towels with insignia, scarfs with insignia, fish line, fish hooks, artificial and natural bait, sinkers and corks, first aid supplies, charcoal, charcoal fluid, firewood, flashlights, batteries and bulbs, compasses, whistles and match containers, jacknives, camping and conservation books, nature supplies such as magnifying glasses, insect mounting boards, etc., crafts and art supplies (including maps), handkerchiefs, toothpaste and brushes, paper plates, cups and napkins, towels, ice, suntan lotion, sunglasses, film, combs, razors, blades, shaving soap, lotion, metal mirrors, cigars, cigarettes, tobacco, matches, with a 500 gallon buried gasoline tank with approved dispensing unit, and 10 cases of oil, for emergency use only; that any of the commercial activities, including boating and fishing, pertaining to that portion of land or water under control by the Alexandria Water Works and/or their successors, either by easement or otherwise, may or may not be permitted at their discretion. Recreation ground for outdoor games and sports is approved. There will be 100 camping sites available, with temporary tent type shelters available, including trailer sites for individual families for sleeping purposes. There shall be three 120 ft. by 40 ft. shelters for housing laundry, shower and toilet facilities and dining facilities, including a second floor living unit for counselors (rooming facilities only, no cooking facilities in the living unit), one of these three buildings to house the food preparation unit for the other two branch dining facilities. There will also be three Butler type 70 ft. by 95 ft. shells for teaching of arts and crafts. 500 parking spaces must be provided at the opening of any phase of the facility, and no less than 1000 at the time the pool is opened. This is to be in conformity with County standards for parking lots. Hours of operation are to be limited by the applicant so long as it does not interfere with the peace, mind and comfort of any adjoining property owners. It is noted that the roads now serving this use are inadequate and it is hoped that some relief will be given this situation before this commercial operation reaches the point which they anticipate. All other provisions of the Ordinance including the site plan section are to be met. There shall be no construction of any buildings or facilities under this use permit until such time as the site plan is approved by the Planning Commission and the installation of all health phases has been approved by the Health Department. Also, the applicant is required to provide a right of way for a public trail in general accord with the following agreement. The trail will traverse the property from east to west and will be positioned as mutually agreed upon between Fountainhead, Inc. and the Park Authority. It would be understood that any location closer than 800 ft. to the water of the Occoquan Reservoir itself would be after further consideration and permission from Fountainhead, Inc. Construction of the trail would be at the expense of the Park Authority. The trail would not in fact be constructed until the park on each side of the described property is in the process of development, or open for public use. The alignment of the trail will be such that a pedestrian bridge, constructed at the expense of the Park Authority, will allow traffic on foot, bicycle or horse, to pass over or under said trail from the adjacent portions of the subject property. Such bridges would not be constructed until the construction of the trail itself. It is understood that, unless further agreed between Fountainhead, Inc. and the Park Authority, there will be no more than two of such bridges. The precise alignment of the trail will be determined by survey, at the expense of the Park Authority, within 90 days from the date a special use permit is issued for the development of the camp in accordance with the master plan. (This is 90 days from date of issuance, and the Zoning Administrator is asked to notify the Park Authority the day of the issuance of this use permit so they will be aware of the official date of issuance.) Within 30 days after said alignment has been mathematically described, a deed of easement shall be prepared by Fountainhead and delivered to the Park Authority, with the necessary costs of Revenue Stamps and of recording to be borne by the Park Authority. It is understood and agreed that, if after the detailed economic analysis which will be conducted by Fountainhead, Inc. subsequent to the granting of a use permit as described above, it is determined by Fountainhead, Inc. that the economic development of the property as a camp is not feasible, said easement shall be redeeded to Fountainhead, Inc. Fountainhead, Inc. shall have one year from the date of the issue of the special use permit to make such economic feasibility determination. Thereafter, said easement shall be permanent and shall run with the land. If, prior to the initial deeding of said trail easement to the Park Authority, Fountainhead, Inc. shall determine that the trustees under the existing deeds of trust on said subject property require extra payment for permission to Fountainhead, Inc. to make such deeding, the determination of the sharing of such added costs shall be subject to negotiation between the Park Authority and Fountainhead, Inc. Upon its construction, said trail shall be fenced on each side with a rustic type (split rail type) fence, with gates positioned as selected by Fountainhead, Inc. Fountainhead, Inc. shall have the right to exclude the general public from crossing from said trail onto its private property but Fountainhead, Inc., its successors, assigns and guests, shall have the right to use said trail for access into the adjacent property when and if developed. Said trail may be used for

FOUNTAINHEAD, INC. - Ctd.

travel by hikers, by horses, or by maintenance vehicles of the Park Authority, by bicycles, but not as a public road for thoroughfare by private motor vehicles. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Spence, representing Katzen and Gibson, requested that their variance granted January 25, 1966 be extended. In view of the resolution adopted by the Board on January 10, the request was denied. A new application will have to be filed since their permit has already expired.

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Fairfax Hospital - high rise addition to 150 ft. - This will be referred to the Commonwealth's Attorney for his comments.

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The meeting adjourned at 7:35 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

February 23, 1967
Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 28, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

CLARENCE W. GOSNELL, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 11.34 ft. from side property line, Lot 76, Block 22D, Section 8, Waynewood, (8702 Eaglebrook Ct.), Mt. Vernon District (R-12.5)

Mr. Harnett stated that this was an error that was made by a gentleman who has been with their firm since 1937, and their second mistake out of 750 houses. The error is not discernible visually, but was picked up by the surveyors. The job was stopped immediately upon notification of the error. It would cost a minimum of $1500 to change the house and would do no one in the community any good to change it. Two letters were presented stating that there were no objections to the dwelling remaining as is. (From Mr. William Saul and Mr. Eugene Manley)

Mr. Hardy stated that the opposite side yard is 23 ft. including the easement. The house has a garage. It is only the corner from the chimney out that is in error and eight inches is the highest degree of variance. The house has not been sold and any purchaser would be notified of this situation.

Opposition:

Mr. F. J. Roady, owner of property adjoining this lot, stated that he felt placing the building this close to the property line would affect the property values in the area. However, moving the house would not do Mr. Gosnell any good and would do himself no good, so on that basis he would not directly oppose the application.

They regret the error as much as Mr. Roady, Mr. Harnett stated, but he felt that when the trees and shrubs had been planted, the variance would not be evident to anyone.

Mr. Smith moved that the application of Clarence W. Gosnell, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 11.34 ft. from side property line, Lot 76, Block 22D, Sec. 8, Waynewood (8702 Eaglebrook Ct.), Mt. Vernon District be approved as applied for under Section 30-6.6.5.4 of the Ordinance designed specifically for cases of error such as this, this being a very minor portion of the dwelling -- the portion from the chimney to the front of the house. It does not appear that this will adversely affect adjoining properties. The applicant has agreed to make this known to the purchaser of the home and this should be made a permanent part of the deed, including title insurance for this property from now on. Seconded, Mr. Barnes. Carried unanimously.

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THE HELENA CORP., application under Section 30-6.6 of the Ordinance, to permit construction of addition to existing building 14.6 ft. from rear property line, Lot 4A, Sec. 5, Salona Village, (1353 Chain Bridge Rd.) Dranesville District (C-D)

Mr. Klopfenstein stated that the Sherwin-Williams paint store needs extra space for storage of paints, ladders, etc. It has been determined costwise that it would be prohibitive to put a smaller addition on the building and construct curb, gutter and sidewalks, so at the suggestion of the Planning Office that since the building next door extends out 27 ft. behind the store that they should ask for a variance to extend their store to the edge of that building. There is room provided for 23 parking spaces. If they are allowed to build to the edge of the other building, the side of the building will be bricked all the way which will add to the esthetics in the area. The Rudolphs, adjoining property owners, have sent a letter stating that they have no objections. Salona Village Shopping Center also have no objections as they feel the brick wall will add to the neighborhood and look better than the painted cinderblock. The back part will remain cinderblock but this cannot be seen from the adjoining lot because of the tall stand of trees. The Board of Supervisors suggest that standard screening be provided along the rear property line and the applicants feel that the 25 ft. evergreen trees already there cover this requirement. The Sherwin-Williams lease calls for five years plus a five year option and if the building is built the owners have agreed to extend the lease through the option period.

No opposition.

February 28, 1967

THE HELENA CORP. - Ctd.

Mr. Smith felt that a fence should be erected to prevent blowing of trash, etc. onto residential property.

Mr. Yeatman moved that the application of The Helena Corp., application under Section 30-6.6 of the Ordinance, to permit construction of addition to existing building 14.6 ft. from rear property line, Lot 4A, Section 5, Salona Village (1353 Chain Bridge Road), Dranesville District, be granted, providing the building side along Sothron Street will be brick as near matching the brick that is now on the building as possible, that a fence be erected in the rear of the property to meet County specifications and all other provisions of the Ordinance shall be met. The suggestions of the Board of Supervisors outlined in the Staff report shall also be met -- they are: 1) That the new structure will not exceed the height of the existing structure nor extend closer to the property line than the building on the adjoining property; 2) Provided curb, gutter and sidewalk are constructed along Sothron Street and 3) That standard screening is provided along the rear property line. Seconded, Mr. Baker. Carried unanimously.

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RALPH T. BENNIE, JR., application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 39 ft. from Spring Road, Lot 68, Section 2, Springvale (7201 Calamo St.), Mason District (RE-1)

Mr. Bennie stated that he wished to erect an addition on the side of his house for a dining room and kitchen. He cannot put the addition in the rear or on the other side due to flood plain problems. The house was built in 1958 and part of it is in flood plain. The stoop that is now there will be removed.

Mrs. Henderson noted that the ground in this area is very rough and this is an old subdivision with all kinds of setbacks.

Mr. Bennie said he has lived there for six years. The old kitchen will be used as a family room. With five children he needs the additional space.

No opposition.

Mr. Smith moved that the application of Ralph T. Bennie, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 39 ft. from Spring Road, Lot 68, Section 2, Springvale, (7201 Calamo St.), Mason District, be granted as applied for, addition to be no closer than 39 ft. from Spring Road -- this is a 12 by 26 ft. addition for dining room and kitchen. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MAMIE GARDNER, application under Sec. 30-7.2.6.1.5 of the Ordinance, and 30-6.6, to permit operation of beauty shop in home and permit addition for beauty shop, 28.54 ft. from West Lawn Drive, Lot 322, Sec. 4, West Lawn Subdivision (6912 Barrett Road), Falls Church District (R-10)

Mrs. Henderson commented that before hearing the case, if the applicant needed a variance in order to get this use in her home, it is out of the question so far as she is concerned.

Mrs. Gardner said she has two teen-age children and would like to work in her home to be near them. She presently works in Alexandria.

Mr. Smith agreed with what Mrs. Henderson said, and suggested that perhaps Mrs. Gardner could have the beauty shop without the addition.

Mrs. Henderson noted two letters from Mrs. Gardner's neighbors, stating that they had no objections.

They only have one bathroom in the house, Mrs. Gardner said, and she did not know whether the Health Department would allow her to operate a beauty shop unless there were two.

Mr. Yeatman said he did not feel there was a need in this location for a beauty shop as there are two in the area, practically within walking distance.

Mr. Smith felt that the fact that Mrs. Gardner and two children were living there alone, and that she was trying to provide an education for them, should be considered in this case. Also, the neighbors have stated that they were in favor of the application. There are no objections in this case.

MAMIE GARDNER - Ctd.

Mr. Smith moved that the application of Mamie Gardner, to permit operation of beauty shop in home, Lot 322, Section 4, Westlawn Subdivision (6912 Barrett Road), Falls Church District, be approved with the provision that the Health Department must approve in writing to the Zoning Administrator the installation of this one chair operation. All other requirements of the Health Department and the Ordinance must be met, including parking laid out on the plat submitted with the application. Two parking spaces should be sufficient. The portion of the application dealing with the addition shall be denied. Seconded, Mr. Yeatman. Carried unanimously.

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HUMBLE OIL & REFINING CO., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station and permit pump islands 25 ft. from Old Dominion Drive, Lots 1 and 2, Block 8, Ingleside, Dranesville District (C-D)

Mr. Hansbarger represented the applicant. He said the property consists of 1.0539 acre and on part of the property there would be no construction; it would be kept in grass and plantings. The distance from the building to Old Dominion after widening is 107 ft. The same application was before this Board six years ago and there was some question at the time that maybe it should be on the corner. They are on the corner this time and have eliminated Lot 3. This will be a three bay Colonial station designed as shown on the rendering presented. The application and the proposed use comply with all Ordinance requirements.

Mr. Hansbarger located an existing Humble station and said his first thought was -- if there is one in this location, why do they need another one? The answer to that is the existing station cannot adequately handle the business that it now handles. It is an older station and on a much smaller lot and there have been numerous complaints about their service.

Mr. Smith felt that something should be done about getting rid of the older gasoline stations in the area before the Board grants applications for new ones.

Mrs. Henderson read two letters in opposition -- one from Dr. George R. Cadman, (because there is not a need for this station) and from Mr. Albert Scott (because there is not a need and because it would create additional traffic hazards.)

Mr. Smith said he felt this was possibly the best arrangement one could ever get out of this property so far as appearance of the station is concerned, but he wished to defer the application to look at the entire situation in McLean and get reports on the widening of Old Dominion. He moved that the application be deferred for two weeks to give some thought to some arrangement whereby the oil companies would either upgrade or close their old facilities when they are granted a new facility.

There was no second to Mr. Smith's motion to defer.

Mr. Yeatman moved that the application of Humble Oil & Refining Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station and permit pump islands 25 ft. from Old Dominion Drive, Lots 1 and 2, Block 8, Ingleside, Dranesville District, be approved; that the building be of brick, a colonial type station as shown on the rendering and in accordance with colored plat presented and made a part of the record. The green area is to remain with the use permit -- no buildings shall be constructed upon it. All other provisions of the Ordinance to be met. Granted for gasoline station use only. Seconded, Mr. Barnes. Carried 3-2, Messrs. Baker and Smith abstaining.

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MARY JANE BURKS, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lot 109, Resub. Lots 6 thru 21 and 29 thru 57 into Lots 58 thru 138, Mt. Vernon Park, (4701 Mt. Vernon Hwy.), Mt. Vernon District

Letter from the applicant requested withdrawal of the application. Mr. Barnes moved that the application be allowed to be withdrawn at the applicant's request. Seconded, Mr. Smith. Carried unanimously.

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HERMAN NAVARRO, application under Sec. 30-.6.6 of the Ordinance, to permit erection of carport 6.5 ft. from side property line, Lot 30, Block 66, Section 20, North Springfield (7605 Hamlet St.), Mason District (R-12.5)

Mr. Navarro said he had a carport once but it had been enclosed for a room.

HERMAN NAVARRO - Ctd.

When he purchased his home, Mr. Navarro continued, the builder told him he could build up to the 8 ft. line, so he enclosed his carport and planned to build a new one in this location. The concrete slab for the new carport has already been poured. The posts would be set at 8 ft. He purchased the home in December 1958.

The Board questioned the plats presented by Mr. Navarro -- according to the plats his house is not 18 ft. from the adjoining lot line. It scales to be 16 ft.

No opposition.

Mr. Smith moved to defer the application to March 14 for certified plats. Seconded, Mr. Baker. Carried unanimously.

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NEIGHBORHOOD THEATRE, INC., application under Section 30-7.2.10.4 of the Ordinance, to permit erection and operation of theatre and allow building 15 ft. from side property line, south side of Keene Mill Rd., approx. 330 ft. west of Spring Road, Mason District (C-D)

Mr. Gasson and Mr. Vosbek, architect, represented the applicant.

The property is located immediately adjacent to the Springfield Methodist Church, Mr. Gasson stated, and at the time of zoning it was specifically zoned for theatre use. A use permit was granted for a theatre on the property once before but the permit expired and this is a new applicant. They are asking for a variance as well as a use permit. They could move the building over and bring in traffic a different way in order to do away with the necessity of the variance but it was the feeling of Mr. Vosbek and the owners of the property that traffic movement would be better for everyone, including the church, if it were brought in on the east side of the property.

The Planning Commission requested to hear this matter about two weeks ago, Mr. Vosbek stated, and at that time in discussion with members of the Church, they asked if we could move the building to the south end and in restudying the site plan it was found that the building could be moved back 6 ft. The only difference in the plats presented to the Board is that the building has been moved back 6 ft. from the road at the request of the church at the Planning Commission meeting.

Mr. Smith felt that the Board should have up-to-date plats showing the location of marquees, signs, setbacks, etc.

In the original plan, Mr. Vosbek said, they planned to bring the driveway in along the church property but later it was felt that it would be better from the community standpoint to have traffic flow along the commercial property, and to have a blank wall with landscaping adjoining the church.

Why not move the building to the rear as in the original plan, Mrs. Henderson asked?

Because it would be much more appropriate to get the blacktop area in the rear and move the building toward the front, Mr. Vosbek replied. This plan enables them to have a long driveway and traffic would not be congesting the front of the building. The seating capacity of the theatre will be 952. If the building were located to the rear it would be surrounded by a sea of asphalt; no plantings or walkways. By providing a travel lane with a 200 ft. driveway this would allow room for back-up of traffic. The building can meet the Ordinance requirements in every respect but from an esthetic and architectural standpoint, it would not be as pleasing.

Mrs. Henderson asked if any attempt had been made to acquire land from Springfield Stations so there would not be a need for a variance.

Mr. Gasson said he did not know.

Mr. Smith commented that the 22 ft. wide travel lane did not seem a very wide drive for getting cars in and out.

This would give space for at least ten cars to be off the travelled way, Mr. Gasson said. This would reduce traffic congestion to a minimum and therefore it is a good idea. Neighborhood Theatre, Inc. is one of the largest chains in the state; they have about forty theatres and they are willing to spend a good deal of money to put this here. This is a good arrangement.

NEIGHBORHOOD THEATRE, INC. - Ctd.

This is not a normal use where there are a few cars coming in and out at a time, Mr. Smith said, but a use where there might be 300 or 400 cars coming and going in a matter of minutes and this 10 car back-up means nothing. The Annandale Theatre has two entrances with parking in front and a double entrance off #236 and they at times still have some back-up of traffic so with only one lane of traffic going into this parking lot it will create a situation where it will be almost impossible to get these cars in and out.

Mrs. Henderson felt that there was no evidence of hardship in this case. If the owners of the land purchase it for a specific use and then cannot get it on the property the way they want, without asking for a variance, then this is the wrong use for this location.

But there is exceptional difficulty here, Mr. Gasson said.

Only resulting from the fact that there is not enough land, Mrs. Henderson replied.

Mr. Smith said the owner could still have a desirable use by placing the building in a different area.

Mr. Albert Baker from the Springfield Methodist Church stated that the Church has 2600 members, representing 1000 families in Springfield. The church has no objection to the use of the land for a theatre, but would like to make some comments in terms of alternate solutions that have been discussed today. In general they would favor the proposed site plan and would recommend that the Board grant the variances as shown but they have some reservations about some of the questions. The first alternative which would not require a variance would be to place the marquee at the entrance on the opposite side of the building. The builder says this can be done. This would mean that the traffic flow would be in the lane adjoining church property. The church would object to this plan. They prefer to have the traffic flow on the opposite side of the property. The second alternative would be to move the entire building to the rear of the lot and this would then require asphalt parking spaces to be put in the front of the property and this would be in general opposite the church entrance. They would prefer the plan as now shown on the plat with the 50 ft. setback landscaped with trees and shrubs. Since the church parking is on the rear of their lot, they feel it would be desirable to have the theatre parking in the rear also. Also, they wondered what type of air-conditioning unit would be on the theatre and whether the noise from it would interfere with church services. There is already a problem of erosion on the land and if rain water flows onto the church property it will create mud. They would like to have some kind of retaining wall to prevent this. The church would like authority to review the site plan before adoption.

Mr. Smith again expressed concern about the limited access into the parking lot and felt that it would be difficult to get the anticipated number of cars in through the narrow travel lane. He said he had no thought of granting a variance to allow this building to go in when there are alternate locations on the lot. The Board has no authority to stretch land for people. He felt there could be a better arrangement by moving the building farther away from the church and there could still be a 25 ft. grassed area with trees. The traffic could possibly be channeled in in a better manner. The architect stated that he could place the building without a variance by moving the entrance marquee to the right side of the building and having in and out traffic lanes moving to the right side of the building. The traffic should be as far from the church as possible.

Mr. Vosbek said the theatre would be air-conditioned with equipment in the screened roof area. The job is not in its final stages so he has no definite information on the type of equipment. As to drainage, he felt this would improve the church property; there will not be water draining across their property, it would be picked up by appropriate catch basins and storm sewer.

Mr. Burnette, living directly in back of the property in question, stated that his home would back up to the "sea of asphalt". The church was concerned about lights from theatre traffic shining through a 6 ft. solid fence, but he said the church was not concerned about their own lights shining onto residential property. Previously this property was zoned C-OL, he said, and they all felt this was an appropriate use because everyone goes home at a certain time. Moving the traffic behind the theatre might look good from the church's point of view, he continued, but it would create congestion in Mrs. Mitchell's back yard. The residents did not want the theatre there, the church wanted it. If there is anything to suffer from this application, let the church suffer, not the residents. If the application is granted, he would insist on proper screening of the property and down to the corner of the building.

(Mr. Baker left the meeting.)

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NEIGHBORHOOD THEATRE, INC. - Ctd.

Mrs. Henderson said she was not prepared to vote on the application today, but would like to study the plat and compare it with other locations.

Mr. Smith moved to defer to March 28 for additional information. Seconded, Mr. Barnes. (Also deferred for new plats showing the exact location of building, signs, etc. and setbacks.) Carried unanimously.

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HOWARD D. LERCH, JR., application under Sec. 30-3.2.1.1 of the Ordinance, to permit industrial access thru residential property at the end of Japonica St., Springfield Forest, Lee District (I-S and RE-1)

Mr. Lerch stated that at present they have a 30,000 sq. ft. warehouse in Arlington. They are in the wholesale grocery business and have been since 1927. He purchased this property 1 1/2 years ago and now would like to move to larger quarters. They must move as quickly as possible because they have outgrown their quarters in Arlington and there is no room for expansion. There is a railroad siding on the property in question.

Mrs. Henderson asked whether or not Rosso Street shown on the plat could be used as access to the property rather than Japonica Street.

Mr. Lerch said he did not know about Rosso Street, he did not think it was developed or dedicated. He was unaware of the access problem when he purchased the property. Mr. Lynch owns lot 7 and he has a verbal right of way through there. The tract contains 13 acres and a 75,000 sq. ft. warehouse is almost two acres of warehouse in one building. All of the property is not usable because some of it is too low. He has 18 trucks and 55 employees, all of whom drive their own cars to work. There is one trailer truck that makes a delivery; the rest of the goods comes by rail. They sell some frozen goods and some produce but most of their stock is dry groceries. The property looks bad now, it has been used as a dump.

Mr. Lynch gave some background on the area -- first the subdivision of Springfield Forest was put in adjoining industrial land. It has been industrial for many years. They sold off 13 acres with a right of way out to Japonica Street to a Richmond firm and they and the Lynchs went to considerable expense having the railroad siding put in. They then applied for a use permit to manufacture concrete pipe and there were so many objections they decided not to use the land for that purpose. They are the ones who sold to Mr. Lerch with the right of way out to Japonica Street. Rosso Street is a private driveway, whether it is dedicated or developed he could not say.

This seems the logical way to get in and out, Mrs. Henderson said, and she felt this possibility should be investigated. She asked when the land was zoned to industrial, and was told that it was June 18, 1952. Only when Rosso Street has been completely ruled out with written reasons why, would she consider another access, Mrs. Henderson said.

The zoning preceded the Ordinance regarding use of subdivision streets for industrial uses, Mr. Smith pointed out.

But it says if no other means of access is available or reasonably possible, Mrs. Henderson informed him.

Rosso Street is a right of way for the benefit of people owning property not adjoining Franconia Road, Mr. Lynch said. The lots along Rosso Street have given the property owners behind them the right to use 15 ft. of their property on each side of the property line as access. That is the status of Rosso Street. He presented a plat dated 1951 which contained a road shown as the outlet for the industrial property in the rear. It is a legal outlet, he said, but it is only 30 ft. wide and passes about 12 or 13 homes.

Mr. Lerch said he proposes to build a nice warehouse of cinderblock construction with brick facing, 18 ft. high.

If the application is deferred, Mrs. Henderson said the Board should ask for building plans, and also should know where the building is to be located.

Mr. Tom Williams, resident of Springfield Forest and member of the Civic Association, said they would object to any residential street being used as an access to industrial property. He asked if warehousing is a permitted use in I-S zoning?

HOWARD D. LERCH, JR. - Ctd.

Mrs. Henderson said the Industrial classification was undoubtedly put in the I-S category when the 1959 Ordinance was adopted. She noted for the record a letter from the Springfield Forest Citizens Association asking for indefinite deferral in order to learn more about the application. A letter from the Monticello Woods-York Manor Citizens Association supported the Springfield Forest Citizens Association's letter. A letter from Supervisor Alexander requested deferral in order that the staff and citizens in the area could get together to discuss the problems. The Planning Commission also recommended that the application be deferred indefinitely. But how can they discuss it if it is not permitted in I-S zoning, she asked?

Mr. Lerch said he had a letter from the County stating that he could use the property for this purpose. He got the letter before he bought the property.

Mr. Smith felt that the use actually amounts to assembly and distribution of food products. He moved that the application be deferred for two weeks Seconded, Mr. Yeatman, who suggested that Mr. Lerch meet with the Commonwealth's Attorney to discuss this matter.

Mrs. Henderson said the Board would like to know if any of Rosso Street is dedicated; does it show on the plats as an outlet road; is it feasible to open it up; how much will it cost; how many vehicles would be going in and out of Japonica Road; hours of peak traffic flow to and from this use; hours of operation; location of building, etc.

Mr. Lerch said they are open 20 hours a day, opening at 12 midnight and closing at 8:00 p.m. Heaviest flow of traffic is between 6:00 and 7:30 a.m.

Mrs. Henderson suggested that Mr. Lerch contact the Health Department if there is no public sewer and water to see if the land can be put to this use.

Mr. Lynch said that public water is there; the County has laid a sewer line up to the property but the plant at Pohick Creek has not been built.

Motion to defer carried unanimously.

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NORTH SPRINGFIELD SWIMMING CLUB, INC., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to pool filtration building, to be used for storage at the end of Earlehurst St., Mason District (R-12.5 and I-G)

Mr. Lyle C. McLaran, Jr., President of the Club, stated that the proposed addition would be 29 ft. long and 11 ft. 3 in. wide counting an existing wall that will be included in the structure. This is an addition to the filter plant. There will be no connection to the bath house. They need the addition to improve their storage of chlorine, and to provide safer handling of the chlorine. The existing wall between the pump house and bath house is an open cinderblock wall and the Health Department, on recent visits, have asked that the wall be blocked up. The membership will not be increased by this addition.

Mr. Robert Barr, owner of Lot 8, said there were supposed to be only two legal entrances to the pool, but lately people have been crossing residential property to get to the pool. His understanding was, he said, that the 50 ft. buffer strip was not to be used for access and the only rights which the citizens have to trespass on it are for purposes of removing trash or weeds.

Isn't there a fence there, Mrs. Henderson asked?

Mr. McLaran said there was a privet hedge there which was put in when the pool was constructed.

Mr. Barr said there was a 5 ft. gap in the hedge which allows pool traffic through. Mr. Palmer allows the traffic to cross his property and Mr. Barr said he would like to see a restriction put on the operation to allow only two legal accesses.

Mr. Smith felt that the pool operators should be given a chance to stop the trespassing and if there are still complaints then the Board could require a fence to be erected to stop the trespassers.

Mr. McLaran said he felt that Mr. Palmer should be allowed to have his say on this problem because he was sure that he was unaware that it would come up at this request for an extension. Mr. Palmer is a pool member and a board member of the pool organization, but does have the same rights as a land owner as do the other abutting property owners.

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NORTH SPRINGFIELD SWIMMING CLUB, INC. - Ctd.

Mr. Barr said another objection was that they get the litter from passing pool traffic.

Mr. McLaran said that no food or beverages are sold on the premises.

If this becomes a nuisance to this extent, Mr. Smith felt it would be a good idea to have the entire area fenced to stop this.

Mr. Barr reported that a tennis court had been built on the site and he could find no use permit which allowed it.

Mr. Woodson said the operation did not have a use permit because it was started before the Ordinance was adopted, however, he would like to see the entire operation put under permit if possible.

Mr. Smith moved that a use permit be granted for the entire facility of North Springfield Swimming Club, Inc. as outlined on the plats submitted with the application for the addition, and that the application for storage addition be granted as outlined on the plats; that entrances to the property be restricted to Earlehurst and Leesville Streets and no other means of access should be given at any time, especially through residential property adjoining the pool. All other provisions of the Ordinance must be met and any further additions must request a permit from this Board. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

ELMER GILBERT, application under Sec. 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Place, Lot 29, Fort Lyon Hts., (2806 James Dr.), Lee District (R-10)

Mrs. Gilbert explained how she came to the courthouse for the building permit and got it, not realizing that the permit was approved for construction of the garage in a location other than they had planned. They were not familiar with any of the procedures involved and began construction still under the impression that the permit was granted for the location shown on their building plans. The garage is completely built except for the doors and windows, and a railing around the top of the garage for a patio. The garage has re-inforcement rods every 5" and steel beams which tie into the house, with a 6" concrete slab poured on top of that for the patio. There are other variances in the neighborhood.

Mr. Smith said the application is a difficult one -- the lady seems sincere about the error that has occurred, however, this is a bad situation, one that is very difficult on which to make a decision. He would hesitate about requiring the garage to be torn down based on the information presented that this was a mistake.

The house across the street is 41 ft. from the property line, Mrs. Henderson said, and if this application is granted, she could see no reason why those people could not do the same thing.

Mrs. Dean, the neighbor directly across Timothy, said they applied to do the same thing but were told that they could not do it. She has no objection to the building, she said, as it tends to improve the house, but did feel that they should be allowed to do the same thing. These people should have been stopped by the County before being allowed to put so much money into this construction, she said.

If there is any testimony contrary to what has been said about this being a mistake, Mr. Smith said, he would like to hear it, but at this point he did not feel that the structure should be removed.

Mrs. Dean asked what consideration would she be given if she builds a garage on her property. The real estate man applied for a garage and he was turned down, she said.

Mrs. Gilbert said they bought the house through a real estate agent and they had not been informed of that.

To grant this application would amount to a special privilege, Mrs. Henderson said.

If he thought this was not an error, he would not hesitate to require immediate demolition, Mr. Smith said, but it seems to be an honest mistake.

Mrs. Henderson said she was convinced that this was built in error, but she still felt it should be removed.

Mrs. Dean said they still wished to build a garage and if this application is granted, they will apply again. They have six children and

ELMER GILBERT - Ctd.

need extra room desperately.

Mr. Smith moved to defer to March 28 for decision only, in order to give more thought to the application, and to have all five Board members present at that time. Seconded, Mr. Barnes. Carried 3-1, Mrs. Henderson voting against the motion as she felt the application should be denied today.

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PETER FIRANEO, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage 6 ft. from side property line, Lot 178, Sec. 3, Annandale Terrace, (4417 Medford Dr.), Falls Church District (R-10)

(Deferred from January 24 to view.)

Mrs. Henderson said that after viewing the property, she felt there was no justification for granting this application. The other houses in the subdivision are like this one and there is only one carport.

Rather than deny the application, Mr. Yeatman moved to defer indefinitely to see what action the Board of Supervisors takes on their current study regarding carports extending into the side yard. Seconded, Mr. Smith. Carried unanimously.

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JOSEPH J. GRANT, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to dwelling 31 ft. from street property line and 9.7 ft. from side property line, and allow existing carport 9.7 ft. from side line to be enclosed, Lot 110, Sec. 2, Sleepy Hollow Manor, (6406 Carolyn Dr.), Mason District (R-12.5)

(Deferred from last meeting to allow the applicant to be present.)

No one was present and since the applicant had been notified that if he did not appear the application would be denied, Mr. Barnes moved that the application be denied. The existing carport, however, would be allowed to remain in its present location as constructed when the home was purchased. This is to give clear title to the property. Seconded, Mr. Smith. Carried unanimously.

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The application of RAMALLAH AMERICAN CLUB, INC., application under Sec. 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of lodge building and allow building 84 ft. from side line, NW corner of Old Dominion Dr. and Belleview Rd., (8542 Old Dominion Dr.), Dranesville District was withdrawn at the applicant's request, but withdrawn WITH PREJUDICE.

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WILLIAM H. N. HATCHER, application under Sec. 30-7.2.8.1.1 and Sec. 30-6.6 of the Ordinance, to permit operation of dog kennel and permit building and runs closer to side and rear property lines than allowed, Lot 3, Blakely Manor (1366 Lancia Dr.), Dranesville District (Re-1)

(Deferred from February 14 for more information and Health Department report.)

Mr. Hatcher presented some agreements proving that he did have dogs before the January '64 amendment, but they did not show how many dogs he had. He said the Finance records did not show how many dog tags were issued to an individual during any year.

Mrs. Miller, attorney, said they had just found out today that the records are available at the dog pound office, however, one must take the time to go through each one to determine how many dog tags were purchased during the year by an individual.

The use has already been established as a non-conforming use, Mr. Smith said, that much is clear, but it still is not certain how many dogs Mr. Hatcher had before the amendment was passed. This must be proved. Otherwise, since there are seven runs on the property, he would go along with seven dogs, bringing this into conformity with Health requirements with possibly some screening.

Mr. Hatcher said the signs on his property had been removed. There are no lights on the property which would interfere with anyone else. The lights that are there are for safety purposes; they are 40 and 60 watt bulbs, with the glare directed toward his house or the ground.

The first knowledge of any violations came about in November 1966 with a complaint from Mrs. Bradley's office, Mrs. Henderson said. The nature of

WILLIAM H. N. HATCHER - Ctd.

the violation was that there were 6 - 8 guard dogs on the property and some horses. The horses were removed and Mr. Hatcher applied for a permit for the dogs.

The Board discussed the application at length with Mr. Hatcher and the citizens in opposition but nothing was given that would establish the number of dogs that were on the premises at the time of the amendment.

Mr. Yeatman moved to defer to March 28 for more information from both the applicant and the opposition, for some written proof of the number of dogs on the property before January 1964. Perhaps the personal property records for that year would establish the number. Seconded, Mr. Barnes. Carried 4-0.

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FAIRFAX CHRISTIAN SCHOOL - Mr. Smith moved that the request of Mr. Thorburn to build a smaller building be approved with the provision that a revised copy of the plans and building location be submitted to the Zoning Administrator for the records. Seconded, Mr. Barnes. Carried unanimously. The number of students in this building should also be indicated.

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The Board granted an extension of one year to an application in Lake Barcroft for a variance to erect a dwelling, originally granted February 15, 1966.

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The Board agreed to allow Langley School to include a library in their recently approved addition, but there would be no increased students. This addition must meet all County and Ordinance requirements.

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The Board agreed to hear the VOORHEES application once more on March 28 if there is new evidence that can be presented.

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The meeting adjourned at 7:20 P.M.
By Betty Haines

Mary R. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

April 16, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 14, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided. (Mr. Yeatman arrived after lunch.)

The meeting was opened with a prayer by Mr. Smith.

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Mrs. Henderson announced that the Board would hold an extra meeting in April because of the heavy agenda for that month. Any cases that might be deferred from this meeting should be deferred to the special meeting of April 18.

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HUMBLE OIL & REFINING CO., application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, part Lot 1, Unit 2, Fairfax Park, Falls Church District (C-D)

The original permit which was granted on January 20, 1966 has expired, Mr. Hansbarger explained. It has taken a long time to work out entrances with the State and County, and other problems with the site plan. They are now ready to go ahead. Site plan has been submitted and approved in compliance with the original granting. This will be a three bay colonial type station.

Mr. Robert Bodine expressed concern about the 10 ft. oval sign proposed by Esso and said he felt that a smaller sign would be just as satisfactory.

Mr. Swartz, one of the original owners of the property in question, spoke in favor of the application.

Mr. Smith felt that an 8 ft. sign at any service station location, if properly arranged, would be very adequate. A sign of this size can be seen from quite a distance.

Mr. Bodine was also concerned about further road construction at Keene Mill and Rolling Road. Who is going to build the road?

Under the site plan ordinance, Mr. Knowlton said, they must require that all of this work be done. The developer is to notify the State Highway Department prior to completion of his part and the State in turn has begun drawings of their own plans for widening parts of the road. It is assumed that the State will complete this following the developer's work.

Mrs. Henderson read from a letter on file with the records of this case, assuring Mr. Bodine that all of the work would be performed by Mr. Hooper and must be completed by August 1, 1967.

Mr. Smith moved that the application of Humble Oil & Refining Co., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, part Lot 1, Unit 2, Fairfax Park, Falls Church District, be approved for a three bay colonial service station, in conformity with plats submitted; that the sign be restricted to an 8 ft. oval designed by Esso or Humble Oil; granted for service station use only. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. (4-0, Mr. Yeatman not yet present.)

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HUMBLE OIL & REFINING CO., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, and permit building closer to side line than allowed, south side of Route 7, opposite Patterson Rd., Dranesville District (C-N)

Mr. Hansbarger stated that the original granting for this station was on November 23, 1965 but due to construction along Route 7, they ran into difficulties with the grades and entrances and this took quite a while to get corrected. In the meantime their permit expired.

No opposition.

Mr. Smith noted that the sign for this station should be limited to the same size as the one in the preceding application. In the application of Humble Oil & Refining Co., application under Sec. 30-7.2.10.2.2 ofthe Ordinance, to permit erection and operation of service station, and permit

HUMBLE OIL & REFINING CO. - Ctd.

building closer to side property line than allowed, on south side of Route 7 opposite Patterson Road, Dranesville District, be approved in conformity with plats submitted and site plan now before the Staff. The original permit was granted November 23, 1965 for a similar use in a similar location and the variance was allowed for the service station building 29 ft. from the side property line. This will either be a ranch type or colonial service station, no porcelain, for service station uses only, and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (4-0, Mr. Yeatman not yet present.)

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Letter from the applicant's attorney requested that the application of RUSSELL T. MORRIS, application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home on easterly side of Cherokee Avenue at intersection with Cherokee and Chowan Ave., Mason District, be withdrawn.

Mr. Smith moved that the Board allow the application to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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Because of improper advertising, a mistake on the part of the newspaper, Mr. Barnes moved that the application of WILLIAM PAGE, application under Section 30-6.6 of the Ordinance, to permit erection of new car preparation center and permit building closer to side and rear property lines than allowed, east side of Falls Church-Annandale Rd., Rt. 649, approximately 600 ft. N. of Route 50, Falls Church District be deferred to April 18 for proper advertising and proper plats. In the meantime, Mrs. Henderson suggested, the Board should take another look at the entire area. Seconded, Mr. Baker. Carried unanimously.

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ARTHUR L. NALLS' application under Sec. 30-6.6 of the Ordinance, to permit dwelling under construction to remain 48 ft. from Gene St., Lot 11, W. J. Cash Subdv., (7320 Gene St.), Lee District (RE-1)

This is a split foyer home, Mr. Nalls explained, and the only part of the house in violation is the cantilevered section. He gave the plans for the house to his engineer for staking out and somehow he did not allow for the cantilevered section of the house. This is how the error resulted.

Mrs. Henderson noted that the Agenda should be amended to reflect the actual distance of 48.8 ft. rather than 48 ft.

No opposition.

Mr. Smith moved that the application of Arthur L. Nalls, application under Section 30-6.6 of the Ordinance, be approved to permit dwelling under construction 48.8 ft. from Gene St., Lot 11, W. J. Cash Subd., (7320 Gene St.), Lee District. This application meets the section of the Ordinance set up to grant relief in such cases. This should be part of the deed in connection with the house so that the purchasers will be aware of the variance that was granted. Seconded, Mr. Barnes. Carried unanimously. (4-0, Mr. Yeatman not yet present.)

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BERNADINE DODSON' application under Sec. 30-6.6 of the Ordinance, to permit division of lot with less area than allowed and permit dwelling to remain closer to side property line, proposed Lot 64A, Sec. 2, Wellington, (7904 West Boulevard Dr.), Mt. Vernon District (RE 0.5)

Mr. John Guard represented the applicant. He stated that Mrs. Dodson purchased the property in 1950. She now wishes to divide it into two lots and will continue to live in the house which was constructed there in 1935. When she purchased the land she was told that she would have an extra lot which could be sold if she desired. Public sewer and water are available.

No opposition.

Mr. Smith said that he felt granting the variance would not improve nor detract from what is there now. The fact that Mrs. Dodson had owned the property for such a long time had a great bearing on his feelings in the matter, he said. He moved that the application of Bernadine Dodson, application under Sec. 30-6.6 of the Ordinance, to permit division of lot with less area than allowed and permit dwelling to remain closer to side property line, proposed Lot 64A, Sec. 2, Wellington (7904 West Boulevard Drive), Mt. Vernon District, be approved as applied for. In granting the application this Board is neither improving nor detracting from the situation -- this is to permit the owner to utilize the second portion of

BERNADINE DODSON - Ctd.

her land. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. 4-0, Mr. Yeatman not yet present.

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JOHN E. AND CARMEN A. GUNNING, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed, proposed Lots 8A and 8B, Sec. 2, Forestville Estates, Dranesville District (RE-2)

Mrs. Gunning stated that they bought the five acres eleven years ago. They improved the property over the years and now it is too much for them to take care of so they would like to sell the house and three acres and construct another house on two acres for themselves. The Health Department has been out to the property and they don't see any problems on septic but the perk tests have not been run.

Mrs. Henderson noted a letter from the Health Department stating that they had no objections to any item on today's agenda.

No opposition.

Mr. Smith moved that the application of John E. & Carmen A. Gunning, application under Sec. 30-6.6 of the Ordinance, to permit division of lots with less frontage than allowed, proposed Lots 8A and 8B, Sec. 2, Forestville Estates, Dranesville District, be approved as applied for. Both of these lots meet the acreage requirements of the area. Due to the length and shape of the property it would be impossible to divide it and utilize it as two lots without a variance. This is approved with the understanding that the Health Department must approve proposed Lot 8B for percolation prior to recording. Seconded, Mr. Barnes. Carried 4-0.

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The application of ANTHONY CERMELE, (PIXIELAND PRE-SCHOOL), application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of an addition to school, pre-school thru 3rd grade, ages 3 thru 8 (6349 Lincolnia Rd.), Mason District was deferred to March 28 due to improper advertising, the newspaper's mistake.

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CARRIE T. LILLER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lot 1, Sec. 1, Cavalier Ridges (4405 Ballard Pl.), Centreville District (RE-1)

Mrs. Liller stated that she had lived at this address for approximately three years and would like to have a small beauty shop operation in her home. She works on Tuesdays at another beauty shop. The nearest shopping center with a beauty shop is located at Kamp Washington, a distance of 3 to 4 miles away. 8:30 a.m. would be the earliest she would start, and the latest customer would be at 8:00 p.m. There would be no Sunday operation. The Health Department has inspected the property and approved it.

No opposition.

Mr. Smith moved that the application of Carrie T. Liller, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as a home occupation, Lot 1, Sec. 1, Cavalier Ridges, (4405 Ballard Place), Centreville District, be approved as applied for, granted to the applicant only. Hours of operation from 8:30 a.m. to 9:30 p.m. five days a week, excluding Sundays and Tuesdays. Two parking spaces shall be provided for cars other than the family cars. All other provisions of the Ordinance must be met, including approval of the Health Department. Seconded, Mr. Barnes. Carried unanimously. (The Board will recommend waiver of site plan requirements.)

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JAMES A. BROUGH, application under Section 30-7.2.8.1.1 of the Ordinance, to permit extension of use permit for dog kennel, (10616 Hunter Station Rd.), Centerville District, (RE-2)

Mr. Brough said there was no limit as to the number of dogs allowed under his original use permit but he generally has 15 to 20 adult dogs, toy poodles. He did not intend to increase the number of dogs. The Health Department inspected the premises last week and stated they had no objections to continuance of the operation.

No opposition.

JAMES A. BROUGH - Ctd.

Mr. Smith moved that the application of James A. Brough, application under Sec. 30-7.2.8.1.1 of the Ordinance, to permit extension of use permit for dog kennel (10616 Hunter Station Rd.), Centreville District, be approved as applied for, in conformity with original use permit. This is granted for a period of three years with the provision that the Zoning Administrator may grant three additional one year extensions if there are no complaints. This appears to be a fine operation, there have been no complaints so far. All other provisions of the Ordinance must be met. Granted for a total of 20 adult dogs. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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NATIONAL AUDIO-VISUAL ASSOCIATES, INC., application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to existing building closer to property line than allowed (3150 Spring St.), Providence District (C-G)

Mr. Roy Swayze represented the applicant. The problem arises, he said, because of the small C-G zone being located in the midst of industrial zoning. If the property were zoned I-L there would be no problem. The National Audio-Visual Associates, Inc. have been in this location for 10 years. This is a thriving industry and is growing rapidly. The building was built ten years ago and the press of business is necessitating their expansion. This is a very attractive brick building facing Spring Street. It is only 10 ft. 4 in. off the rear line.

If the zoning were Industrial, it could be extended right up to the property line, Mr. Smith pointed out. He felt that in order to get better utilization of the property in the future, the Board of Supervisors should be asked to rezone the property to Industrial on their own motion.

No opposition.

Mr. Smith moved that the application of National Audio-Visual Assoc. Ind., application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to existing building closer to property line than allowed, 3150 Spring Street, Providence District, be approved as applied for, and as indicated on revised plats submitted. The situation is one of a CG zone in the middle of an Industrial zone and if the property were zoned Industrial as indicated in the Master Plan the applicant could build to the property line rather than being restricted to the 10 ft. setback as required in the CG zone. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. 4-0.

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KATZEN & GIBSON, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse, 20 ft. from side line, 50 ft. from rear line, and permit erection of office building 70 ft. from rear line, west side of Rt. #635, approx. 300 ft. N. of Beulah Rd., Lee District (I-P)

Mr. Roy Spence represented the applicant. When the original application was before the Board in January 1966, he said, the Clem property adjoining was zoned for residential use. Since that time it has been rezoned to an Industrial classification and there is also an application for Industrial zoning on the Capitol Fleet Club property. They are proposing to erect a warehouse parallel to the common line with Capitol Fleet Club property, 30 ft. from the property line, and the same warehouse 50 ft. from the rear property line. The smaller building is proposed as a two-story office building, a very attractive building, to be utilized by McDonald Properties. Site plans were submitted a number of times after the original granting but were held up because of sewer problems. Now the site plan has been finally approved through all departments with the exception of bond and two outfall easements necessary for drainage on the property. When the application was first presented, they planned a warehouse for potato storage. Since that time McDonald's have been experimenting with a new frozen potato which would cut down on the amount of storage space needed. The railroad spur will not be put in immediately if they do decide to use frozen potatoes, but eventually when the rest of the property has been developed, they will put in the spur.

Mr. Smith said he felt there was no justification for granting a variance from a topographic standpoint.

Mr. Gibson of the G. G. Distributing Co. operating McDonald's in the area, stated that they have plans for processing of beef which will require a railroad spur, and they will probably put the spur in right away, when the first group of buildings goes in.

Mr. Smith objected to the change in the application -- originally, he said, it was for McDonald's Hamburgers and now they plan to rent offices and possibly to sell off some of the land. This is an entirely different picture from what was presented originally.

Opposition: Mr. F. W. Gaffney, President of the Board of Capitol Employees, Inc., stated that they own the land and the Capitol Fleet Club is only a tenant. They would object to being forced to erect any kind of screening between the two properties.

Mrs. Henderson explained that the industrial use would have to put the screen up now, to screen the residential property.

Mr. Gaffney asked how many feet of frontage does the applicant now have on the railroad. There has been an exchange of property between the RF&P Railroad and the Capitol Employees, Inc. It appears that the applicant must build close to the line in order to bring in the railroad siding to accommodate his use. He felt that there was not enough room on the property and the buildings would be forced next to their property. Should Industrial zoning be granted on their property, they could not oppose the variance request, however.

Mr. Smith asked when the rezoning application on Parcel 37 was denied.

The plat shows a different shape to the property than shown on the map, Mrs. Henderson noted, and the narrow piece which Mr. Gaffney spoke of does not show at all.

Perhaps the plat is not accurate, Mr. Spence replied. He requested that the application be deferred to the next regular meeting to clear up the problem.

Mr. Barnes moved to defer to April 11 for further information and for corrected certified surveyor's plats. Seconded, Mr. Smith. Carried unanimously. (4-0, Mr. Yeatman not present.)

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The Board adjourned for lunch at 1:15. Mr. Yeatman was present after lunch.

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DEFERRED CASES:

STONEYBROOK DEVELOPERS, INC., application under Sec. 30-6.6 of the Ordinance, to permit carport 8.4 ft. from side property line (6834 Pacific Lane), Mason District (RE 0.5), Lot 10, Sec. 7, Hillbrook, McAdams.

(Deferred for a letter from the neighbor as to correction of the drainage situation.)

Mr. Douglas Adams stated that Stoneybrook Developers had had foreclosure on the property and his client had purchased it as of January 30. The drainage problems on the property have been corrected. He presented a letter from the neighbor, Mr. Church, stating that Mr. McAdams, the new owner had corrected the problems, and he heartily endorsed the granting of the application.

In view of the letter transmitted to the Board, Mr. Smith moved that the application of Stoneybrook Developers, Inc. application under Sec. 30-6.6 of the Ordinance, to permit carport 8.4 ft. from side property line (6834 Pacific Lane), Mason District, be approved as applied for, in connection with plats submitted. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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SOUTHLAND CORP., application under Sec. 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store, 18.8 ft. from side property line (6414 Telegraph Rd.), Lee District, (C-N)

(Deferred for new plats.)

Mr. Citron stated that if the corner of the building were cut off they would not need the variance but this would make a strange looking building. They need a double row of parking in front of the store and a travel lane, and if they erect the building as planned, only a small portion of the building would be projecting into the side yard. They are set approximately 22 ft. below the adjacent property. There is a retaining wall about 5 ft. away from their building and the floor line of the building is 22 ft. below the top of the retaining wall. The corner which would be in violation could not be seen by anyone.

March 14, 1967

SOUTHLAND CORP. - Ctd.

You could vary the 7-Eleven Store so you would not need a variance, Mrs. Henderson suggested.

Mr. Smith felt that hiding the variance was a new approach to the problem, but this still amounts to the Board being asked to grant a variance to allow construction of more than what they would be allowed according to the land area involved. 7-Eleven continually purchases small parcels of land and asks this Board to grant variances. They know what size building they need in the beginning and they should purchase enough land to accommodate it. As long as they can arrive at a solution without a variance the Board has no justification for granting a variance.

In the application of Southland Corp., application under Section 30-6.6 of the Ordinance, to permit erection of 7-Eleven Store 18.8 ft. from side property line (6414 Telegraph Rd.), Lee District, Mr. Smith moved that the application be denied as the applicant has not presented a hardship as defined by the Ordinance. Seconded, Mr. Barnes. Carried unanimously. (5-0)

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HERMAN NAVARRO, application under Sec. 30-6.6 of the Ordinance, to permit erection of a carport, 6.5 ft. from side property line, Lot 30, Block 66, Section 20, North Springfield (7605 Hamlet St.), Mason District (R-12.5)

(Deferred for correct plats.)

Mr. Smith discussed the proposed amendment now before the Planning Commission regarding carports, and moved that Mr. Navarro's application be deferred for 60 days to allow the Board of Supervisors to act on the amendment. This would alleviate the necessity for a variance, if the amendment is granted, and would give the applicant a larger carport than he is seeking. Deferred to May 23. Seconded, Mr. Barnes. Carried unanimously.

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HOWARD D. LERCH, JR., application under Sec. 30-3.2.1.1 of the Ordinance, to permit industrial access thru residential property, at the end of Japonica St., Springfield Forest, Lee District (I-S and RE-1)

(Deferred for more information.)

Mr. Lerch said he had met with the citizens at the Board's request and a number of them are present at this meeting. He presented a copy of a letter from Mr. Schumann of the Planning Office, dated June 1965, and telling him that his operation would be permitted in this zone. He said he had received a telegram from Mr. James Pammell asking him for more information.

Mrs. Henderson noted a letter from Mr. Lockowandt regarding Rosso Street, saying that a cursory study had found no formal dedication for the street. Establishment was by deeds of conveyance together with the rights of others to use the 30 ft. outlet road. Basically, she said, the public hearing has been held and Mr. Williams was the only one present before in opposition. The matter before the Board is access -- this is a residential street in the State system. The street ends at the industrial property so it seems that the question before the Board is really moot, she said. The Board of Supervisors have some means by which they can reasonably restrict the use of residential streets by industrial vehicles but this is a street in the public system and there isn't any residentially zoned land ~~it~~ THAT has to be crossed. The road dead ends at the industrial property.

The Board has spent considerable time discussing this, Mr. Smith said, they have discussed this with a number of people, regarding the interpretation that was given back in June 1965. Different people had different interpretations of this particular zoning category.

This proposed use is not an I-S use, Mr. Yeatman said. This is a warehouse which should come under I-P zoning.

Mrs. Henderson said she disagreed with the opinion which had been given to Mr. Lerch's agent in June 1965.

In all fairness to the business before the Board, Mr. Smith said he felt that the Board should render a decision either agreeing with or disagreeing with the interpretation and decision rendered by Mr. Schumann after consultation with Mr. Louk, then Commonwealth's Attorney of Fairfax County. Apparently Mr. Lerch purchased the property based on a letter from an official of the County based on interpretation after consultation with the Commonwealth's Attorney. He was told that he would have to have a permit for this use.

Mrs. Henderson said she could appreciate Mr. Lerch's anxiety to get

HOWARD D. LERCH, JR., Ctd.

started, however Mr. Lerch has not been turned down or been granted anything. He has not applied for anything yet. How can the Board make a decision on something that has not taken place? The letter is two years old.

Mr. Smith felt that the Board could act on anything related to the application before the Board.

The road problem is the only thing before the Board, Mrs. Henderson said, and that is a moot question so it is as much as dismissed.

In order to get things moving, Mr. Smith said, he would move that the Board consider the interpretation in the letter dated June 1965, to Mr. Lerch's agent, Mr. Klofenstein, regarding the use of this I-S property for the processing, assembly and distribution of food products, and either back up this interpretation or deny it. Seconded, Mr. Barnes.

Mrs. Henderson voted against the motion as she felt it was a subject not properly before the Board. Mr. Lerch has neither been granted nor denied anything today.

Mr. Yeatman voted against the motion as he felt it did not meet the Ordinance. Motion carried 3-2, Mrs. Henderson and Mr. Yeatman voting against the motion.

Mr. Smith moved that the Board interpret and endorse the letter from Mr. Schumann to the applicant's agent, dated June 3, 1965, as being a proper interpretation of the Ordinance. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson and Mr. Yeatman voting against the motion.

Several citizens were present in opposition and wished to be heard. Mrs. Henderson explained that the question before the Board today is a moot question and the Board has no control over the street at all.

Mr. Roderick Knighton read from Chapter 30-7.1.1.1 of the Ordinance, but it was pointed out to him that this pertained only to use permits. Mr. Lerch is not seeking a use permit. BZA agreed that there should be other means of access other than Japonica Street, but who is going to build it?

A decision has been rendered by the Highway Department that Mr. Lerch can use the street, Mr. Smith said, so the Board made no decision on this because he can use it by right. The only other thing which came up was the letter directed to Mr. Lerch's agent, the basis on which he purchased the property. This Board granted him absolutely nothing. Mr. Smith said he felt that in all fairness to Mr. Lerch the Board should render a decision based on the information which he redeived originally, the basis on which he purchased the property.

Mrs. Henderson said the public hearing was held two weeks ago, however, Mr. Knighton said that they were not aware of it until March 7.

The property was properly advertised in the newspapers and by a sign on the property, Mrs. Henderson said, and she read the names of the property owners who were notified by letter. The Springfield Forest Citizens Association was aware of it because they sent in a letter dated February 23. Mr. Tom Williams was certainly aware of the hearing, he was the only one present. It would be useless to present the petitions saying don't let Mr. Lerch use the road -- the Board has no control over that. This is the State Highway Department.

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J. S. VOORHOOES, to permit erection of addition to dwelling closer to rear property than allowed, 16.67 ft. from rear property line, Lot 7, Block 15, Section 3, Bellehaven, Mt. Vernon District (Reconsideration)

Mr. Voorhooes said that after the last hearing they went back to their architect and reviewed their plans. They ran into such difficulties that they asked for another hearing on the matter. They are only talking of 20 inches, but this is an architectural matter and a matter of doing what they think is absolutely necessary to make it worthwhile to go ahead with the addition. There are inherent problems in the house which make it architecturally unfeasible to add on to the other side. Then they went to a plan for building on the south side and the application was granted about four years ago. They set up their plans but then found that the problems of building there were too great and it was not financially feasible to go ahead with the addition. The addition there would render their present living room useless as it would block off the windows. In the second granting, this gives them a very small bedroom upstairs and no back stairway. Their neighbors are very enthusiastic about the addition as proposed and wish the application to be granted.

Mrs. Henderson felt that the architectushould be able to work out a plan

for a suitable addition within the limits granted by the Board. This Board cannot consider a special convenience to an applicant.

In granting the previous application, Mr. Smith said, he stretched every point that he could and he had felt that this was going too far. This is an old subdivision and some relief should be granted but the Board should not be asked to grant variances in order to satisfy the wants instead of the needs of the people. This is not in keeping with the Ordinance. The Board has already granted a tremendous variance as there were unusual circumstances.

This is an old subdivision, Mr.Barnes said, and the topography is very rough.

This is a topography problem, Mrs. Henderson agreed, but 20 inches has nothing to do with the topography.

Mr. Smith moved that the Board reiterate the position of their granting on February 14, and that no additional variances should be granted in connection with the property. No second.

Mr. Yeatman moved to amend the Board action on the application of J. S. Voorhooes to read -- that the application be granted to permit erection of addition to dwelling closer to rear property line than allowed, that the addition shall be 16.67 ft. instead of the 15 ft. shown on the plat, Lot 7, Block 15, Section 3, Bellehaven, Mt. Vernon District. Seconded, Mr. Barnes. No part of the addition shall come closer than 14.66 ft. as shown on original plats. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion as they felt this was a special privilege shown to the applicants as described by the Code of Virginia and the County Ordinance.

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The Board extended the application of AMERICAN OIL COMPANY at Franconia Road and Edison Street to April 1968 because of site plan difficulties.

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The Board extended the application of MOBIL OIL COMPANY at Annandale and Dashiell Road, extended 30 days, because of drainage problems. They must come in on April 18 and show cause why there should be further extensions.

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BOYS CLUB OF FAIRFAX AND NORTH SPRINGFIELD LITTLE LEAGUE -- Can they put up lights?

The Board agreed that if they were going to use the fields at night, and they have not done this before, it would be a new use and an application should be filed.

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Can a veterinarian have a house practice as a home occupation? The Board agreed that this was not a proper home occupation as defined by the Ordinance, however, if the applicant has a specific location in mind he can apply for consideration, but he must meet the requirements for animal hospitals.

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Can a carwash have gasoline pumps? If this is in a C-G zone, it is a matter of right. C-D or C-N would need a permit.

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The Board considered the orange lights at Hot Shoppes, Jr. as signs, because they are a trademark and they should be removed.

The meeting adjourned at 4:50 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

April 18, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 28, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

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Mr. Barnes moved that the application of CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of an addition to existing dial center, west side of Rt. 623, approx. 2800 ft. south of intersection with Rt. 235, Mt. Vernon District be deferred to April 11 at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, north side of Rt. 236, approx. 300 ft. west of Green Spring Rd., Mason District, (RE 0.5)

Mr. Koontz represented the applicant, requesting that the application be heard later in the day, to allow him to finish getting signatures for waiver of the ten day notices. The application is an urgent one and he hoped that it could be heard today.

Mr. Smith objected because the applicant had not presented proper notices and said the application should be deferred to April 11.

Mr. Yeatman moved that the application be heard today if the applicant's attorney comes in with proper approval of waiver of notices from the adjacent property owners and others concerned. Seconded, Mr. Barnes. Motion carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion.

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BILLY W. RILEY, application under Section 30-6.6 of the Ordinance, to permit existing building to be converted into offices closer to street and side property lines than allowed, 2941 Eskridge Rd., Falls Church District (I-L)

Mr. Samuel Moore represented the applicant. The property in the rear is zoned residential at present, he explained, but the owner is now in the process of having it changed to I-L. The property to the north is also the subject of an industrial rezoning application. Entrance to this property is from Lee Highway via private entrance, which is not being used at all now. The entrance will be asphalted, and Mr. Riley will make some road dedication and the necessary improvements when Eskridge Road is improved.

Mrs. Henderson stated that according to a report received from the Inspections Divisions of the County, there would be major alterations necessary before the building could be used.

Mr. Moore described the building as a one story frame residence. Mr. Riley is engaged in the business of laying underground cables and power lines and this building would be used as his office, only as a place for keeping records, etc. This will be a temporary use but Mr. Moore said he could not say for how long.

Mr. Smith said he was concerned about allowing old houses such as this to be used as offices. He felt this was promoting a semi-slum area.

Mr. Moore said he felt that the 6 ft. chain link fence and proper screening would be an improvement to the area.

Mr. Yeatman felt that if the applicant is going to operate a business from the building, he should have a proper building for it.

Mr. Smith agreed and felt there was some fire hazard involved in using this frame building as an office. Most of the industrial uses in this area have built beautiful buildings and he said he would be willing to grant variances in connection with a new building on the site, if it worked a hardship on the applicant.

Mr. Riley bought the property especially with this use in mind, Mr. Moore said.

BILLY W. RILEY - Ctd.

There is no question about the use, Mr. Smith replied, as the land is properly zoned for this use, but the building has no part in it.

Mrs. Henderson suggested to Mr. Moore that he see if Mr. Riley would be agreeable to spending the money that he would have to spend to repair this old house, to put up a new smaller structure. If there will only be one person there all day, it would not have to be a very large building. Also, since the Board has not seen the property, it might be a good idea to take a look at the building to see if it looks redeemable.

No opposition.

Mr. Barnes moved to defer to April 18. Seconded, Mr. Smith. Carried unanimously.

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In the application of PAUL G. & ANIA DEEB, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori school, maximum 35 children, ages 2 1/2 thru 7; hrs. of operation 8:30 a.m. to 2:00 p.m. (3223 Graham Rd.), Lot 8, Sec. 5, Broyhill Park, Falls Church District, the applicants sent a letter asking withdrawal.

Mr. Barnes moved that the Board allow the application to be withdrawn, with prejudice. Seconded, Mr. Smith. Carried unanimously.

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CLARKE B. BROWN, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 30.5 ft. from Bardu Ave. and 35.4 ft. from Brompton St., Lot 1, Sec. 1, Keene Mill Manor (8010 Old Keene Mill Rd.), Mason District (R-12.5)

Mr. Brown stated that he purchased the property in 1964 and established his dental offices in the downstairs portion of the house. Their practice has proved very successful and has become very crowded, so he would like to expand his facilities downstairs. The addition would include a bedroom, bath and family room in the upstairs section of the home.

Mrs. Henderson said that in her opinion the request amounted to building an office building on the corner.

Mr. Brown stated that Mrs. Brown is his secretary-receptionist. He now has two chairs in his operation and he would like to have a hygienist, if possible. The third chair would be for people returning to the office on a six months recall basis. The hygienist would facilitate the recall situation whereby Dr. Brown could see new people moving into the area.

Mr. Yeatman said he felt that the situation had grown out of being a home occupation, and that Dr. Brown should find quarters in a C-O zone. There is no room for additional parking on this property and the street cannot used for parking purposes.

Mrs. Henderson suggested that it is entirely possible that there is another house in the area which could have more additions. There is nothing to prevent the doctor from putting on additions if he doesn't need the variances, however, there is too much on this piece of land now with the setbacks that are required. The house is set at a peculiar angle which makes other problems. This is a new development, and to start granting variances of this nature in a new development is out of line.

Mrs. Brown explained that the doctor is seeing approximately 30 patients a day, many of them children walking over from the school, and they do have a great deal of overhead.

The hardship must pertain to the land in question, Mrs. Henderson said, and there has been no hardship shown as defined by the Ordinance.

No opposition.

Mr. Smith moved that the application of Clarke B. Brown, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 30.5 ft. from Bardu Ave. and 35.4 ft. from Brompton St., Lot 1, Sec. 1, Keene Mill Manor (8010 Old Keene Mill Rd.), Mason District, be denied as the applicant has not met conditions for granting variances under this section of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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March 28, 1967

SHELL OIL COMPANY, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, north side of Chain Bridge Rd., adjoining Town of Vienna line, Providence District (CN)

Mr. Myron Smith represented the applicant, stating that the application was before the Board once before on October 12, 1965, at which time it was granted. However, due to problems in coordinating the site plan with the Town of Vienna and in working with the State Highway Department on the road situation, their permit expired. That application was made on behalf of Mobil Oil. Their option expired and now Shell seeks to take over the operation. The Vienna Public Works Department have now approved the site plan and the ingress and egress plans for the station have been incorporated into the work of the Highway Department. This is a proposed three bay ranch type station.

Mrs. Henderson noted that the station shown in Shell's plans is 8 ft. closer than the one proposed by Mobil.

Mr. Myron Smith said the overhang on the building could be cut back several feet.

The other station was proposed to be a two-bay Colonial style station, Mr. Dan Smith pointed out, and he felt this one was much more attractive.

The rear portion of the property would be graded and planted, Mr. Myron Smith said, and would not be used for the service station operation.

A letter from the Northern Virginia Properties, Inc., signed by Mr. McDiarmid, stated that he did not have enough information on the application to take a stand one way or the other.

No opposition.

Mr. Yeatman moved that the application of Shell Oil Company, application under Sec. 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, north side of Chain Bridge Road, adjoining Town of Vienna line, Providence District, be approved for service station use only, as shown on plats submitted certified by C. Carmona, and that all other provisions of the Ordinance shall be met. This shall be a three bay ranch style station as shown in the picture presented. Seconded, Mr. Smith. Carried unanimously. Proper screening shall be provided.

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BLANCHE DEPAUL, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, (701 Seneca Rd.), Dranesville District (RE-2)

Mrs. DePaul stated that she wished to conduct a very limited operation, instructing youngsters in the fundamentals of riding. Children would range from age 6 to possibly 20 years. They have six ponies now and did not plan any rapid expansion other than perhaps a horse for the larger children. There would be no boarding of horses. This would be a riding school only -- no horses for hire. All of the riding instruction would be confined to her own 19 acres. The instructor will be Mrs. DePaul's daughter who has had experience in this field.

Two neighbors spoke in favor of the application. There was no opposition.

Mr. Smith moved that the application of Blanche DePaul, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 701 Seneca Road, Dranesville District, be approved as applied for, in accordance with plat submitted, for a maximum of 10 horses. Hours of operation -- daylight to dark, six days a week, no Sundays. This is for students ages 6 through 20. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DR. RONALD A. APTER, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 14'2" from side property line, Lot 437, Sec. 4, Lake Barcroft, (6418 Cross Woods Drive), Mason District (RE 0.5)

Mr. Thomas Lawson represented the applicant who was also present.

Mr. Lawson stated that he had been surprised to learn that the property was in the RE 0.5 zoning category. Lot 439 next door begins the R-12.5 zoning. Dr. Apter's property contains 25,141 sq. ft. and the adjoining property owners have signed a statement along with others in the area stating that they are not opposed to the variance request. The footings for the home have already been dug. The builder contacted the County and was advised that he was not required to set back 20 ft. -- apparently they thought this was in another zone. This is a high quality neighborhood

and this will be a very high quality home. Mr. Mark Bell is the builder.

Mrs. Henderson said the house will not fit on the lot and the Board is prohibited by the Ordinance from considering personal hardships.

Mr. Smith agreed, saying there are no topographic problems with this lot, and there is nothing in the Ordinance to allow the Board to grant the request.

A mistake was made, Dr. Apter said, an honest mistake. Both he and his wife, on separate occasions, called the Zoning Office and were told that they must meet the zoning restriction of 15 ft. off either side. Subsequently, after Mr. Bell had dug the footings for the house, he spoke with Mr. Woodson in the Zoning Office and one of the secretaries in the office said that all the lots in Lake Barcroft were under the 15 ft. restriction. The lot has now been cleared and the foundations dug. When Mr. Bell went to get the building permit after digging the foundations, he was told thatthe restriction was 20 ft. instead of 15 ft.

Fortunately the house has not gotten very far, Mrs. Henderson said, and the mistake can be corrected. Had Mr. Bell obtained the building permit first, this would not have happened. Or, she suggested, if 6 ft. of land can be bought from a neighbor, this would correct the situation.

Dr. Apter again pointed out that his lot had been cleared, and now has a large hole in the middle of it. If he cannot build the home he proposes he will suffer a substantial loss.

This is a personal consideration, Mrs. Henderson said, and the Board cannot consider such things. Dr. Apter could still build a house of a different style, one that would meet the 20 ft. setback.

Dr. Apter's position was that he was given information from the County and it was on that basis that he proceeded.

Mrs. Rose Boyd, resident of Lake Barcroft for six years, spoke in favor of the application, saying the home would be an asset to the area.

Mr. Bell, the builder, said that he had cut the trees, cleared the lot and dug the hole in the ground. He came for the permit as quickly as he could. If the lot is not built upon, he has to assume the cost of the work that has been done. He entered into the contract in good faith, thinking the requirement was 15 ft. from the line.

Dr. Apter said he felt that the fact that he was given information by a County official, and he relied upon this information, was an extenuating factor in this case.

Mr. Lawson agreed that the County should bear some of the responsibility in this case because of information that was given by one of the Zoning Office officials.

No opposition.

Mr. Yeatman moved to defer to April 18 in order that Mr. Woodson could be present. Deferred for decision only, after consultation with Mr. Woodson. Seconded, Mr.Barnes. Carried unanimously.

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CARL E. THIERBACH, application under Section 30-6.6 of the Ordinance, to permit roof over existing porch 5.2 ft. from side property line, Lot 243, Section 4, Tyler Park (2925 Johnson Rd.), Falls Church District (R-10)

Mr. and Mrs. Thierback said they had lived in this house for almost three years. The subdivision is an old one and the lots are small, with the houses placed at peculiar angles. The porch had fallen down and they reconstructed it and now would like to put a roof on it.

Mrs. Henderson suggested waiting to see if the amendment regarding carports and porches now under consideration by the Board of Supervisors would be passed. If the amendment is passed, this would be permitted by right.

Mr. Smith moved to defer to April 25 for decision only, awaiting action on the proposed amendment now under consideration. Seconded, Mr. Barnes. Carried unanimously.

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ANTHONY CERMELE, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection of addition to school, pre-school thru 3rd grade, ages 3 thru 8 (6349 Lincolnia Road), Mason District (RE 0.5)

Mrs. Henderson said that she had viewed the property this morning and found that Mr. Cermele was in violation of the parking regulations. There were school buses and cars parked in the front setback when she viewed the property.

Mr. Cermele said that he had always parked the buses there and did not realize that this was in violation. The school has nine buses. In this application he would like to increase the enrollment of the second and third grades; they now have 121 children in the school on two separate shifts and they would like to add 36 additional children. They have always operated on a five day a week basis, from 9 a.m. to 4 p.m., on a regular school year.

Mr. Smith objected to making any decisions on this application until proper plats had been submitted, showing adequate parking in the rear of the building -- at least 25 parking spaces.

Mr. Cermele stated that they had an agreement with the church next door to them to use the church parking lot for overflow parking from the school.

The Board should also have a copy of the agreement, Mr. Smith added. He moved that the application be deferred to April 18 for revised plats and copy of the agreement. Seconded, Mr. Barnes. Carried unanimously.

// Deferred cases:

ELMER GILBERT, application under Sec. 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Place, Lot 29, Ft. Lyon Hts., (2806 James Drive), Lee District (R-10)

Mr. Richard Dixon represented Mr. and Mrs. Gilbert. He said that he had investigated the matter and there were some points which should be made to the Board regarding the application. The application was made by Mrs. Gilbert and there were two basic plans for the garage. The garage as drawn on the site plan attached to the building permit and the garage shown on the plans approved by the Building Inspector were different plans. Both the plat and the building plans as drawn were approved but no matter where this 18.5 ft. garage might have been built on the property, it still would have been in violation.

There were no dimensions shown on the plat, Mrs. Henderson said, and nothing on the building permit to show the size of the garage.

The plans went through two County offices, Mr. Dixon said, and came back to the applicant approved. The applicants did everything required of them and were given a permit to build the garage.

Zoning did not have a plat showing the garage to be 18.5 ft., Mrs. Henderson said, or they would have realized immediately that the garage should be on the other side of the house. A building permit was issued for construction of the garage on the other side of the house and not in the location where it was built. It also states on the building permit that the garage must stay 10 ft. off the property line.

The applicant did just what he told the County he was going to do, Mr. Dixon argued, and now is told that he is in violation when the work is completed. Part of the responsibility for the violation should rest with the County, he continued, for letting the construction proceed this far.

How can the County bear the responsibility for the mistake when Mrs. Gilbert drew the garage in one location and then it was built in another location, Mrs. Henderson asked?

Even if they had built the garage on the other side of the house it would still have been in violation, Mr. Dixon replied.

Zoning did not see the size of the garage, Mrs. Henderson stated. Perhaps the County should require certified plats prior to the issuance of any building permits. This would work additional hardships on property owners but it might help alleviate such things as this.

Mr. Dixon said he felt that the only thing that should have been required of the applicant was to show the location of the house and proposed garage, the setbacks and the size of the garage. Had this been the case, obviously they would not have gotten a permit for the garage. But the applicant gave the County what was required of him; he got the permit, and built the garage. Now he finds that it is in violation.

Obviously they did not read the building permit, Mrs. Henderson said. The setbacks are shown on the permit, and secondly, they did not call the

ELMER GILBERT - Ctd.

office for a check at a certain stage of construction as required by a little slip of paper that is always attached to the building permit.

Mrs. Gilbert said that nothing was attached to their building permit.

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The violation would not seem nearly as bad, Mr. Smith said, had the applicants built the garage where they indicated they would construct it. There is no indication on the plat as to size. The permit was obtained, Mrs. Gilbert signed the application, and it states that the front setback shall be 40 ft.; the right side 47 ft.; the left side 10 ft. and the rear 10 ft. It was spelled out in detail.

Mrs. Henderson asked if Mrs. Gilbert were still living in the house.

Mrs. Gilbert replied that the house had been sold and the people in the house were aware of the situation. The new owners assumed their loan since the last hearing.

Mistakes are very costly, Mrs. Henderson said, but she did not see any justification for granting a variance in this case. If this one is granted, how can they turn down anyone else in the neighborhood, or in the whole county for that matter? If this application had been filed before the garage were built, it certainly would not have been approved, and there was one similar request on the house across the street from this which was turned down.

The Gilberts have spent $2500 on this garage, Mr. Dixon said, and they are aware that it will have to be removed if the request is not granted. However, he felt that since the County assisted in the error, they should share some of the responsibility.

Mr. Yeatman felt that there should be better coordination between the Zoning and Building Inspector's offices, to prevent such problems as this.

Mr. Smith said he would like very much to be able to grant the application, but it is a bad situation and he could not bring himself to vote for it. The structure is set within the setback area, and this is a corner lot, it could interfere with sight distance. A neighbor of the Gilberts has already stated that if this application is granted, she will come in and request to do the same thing.

That lady would know before she built the garage that she would be in violation, Mr. Dixon said. The Gilberts did not know.

Mr. Smith said he disliked very much having these people remove the structure but he did not see any other solution. In the application of Elmer Gilbert, application under Section 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Place, Lot 29, Ft. Lyon Hts. (2806 James Drive) Lee District, he moved that the application be denied and that the applicants be required to remove the structure within six months, or the part of the structure that is in violation. This does not meet the variance section of the Ordinance nor the mistake clause. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion.

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NEIGHBORHOOD THEATRE, INC., application under Sec. 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre and allow building 14 ft. from side property line, south side of Keene Mill Rd., approx. 330 ft. east of Spring Road, Mason District (C-D)

Mr. Edward Gasson presented new plats. He explained that they had made one change in what had been presented earlier, and that was to obtain permission from the First and Citizens National Bank to the east of their property, for an exit through their parking lot. Traffic would come in one way and go out through the parking lot to Backlick Road.

Mr. Smith said he would be in favor of it if the applicant would agree to a one-way exit and one-way entrance.

Mr. Gasson gave statistics on seating and parking for other theatres in Virginia and other areas. The applicant has provided parking at the 1-4 ratio as required by the County. He said he felt that they had an unusual situation -- the shape of the lot, and being located next door to the church. This should justify granting the variance request.

If there is a one-way entrance and exit, the driveway could be made narrower, Mrs. Henderson suggested. Then the building could be moved over to lessen the amount of variance.

Mr. Yeatman moved that the application of Neighborhood Theatre, Inc., application under Section 30-7.2.10.3. 4 of the Ordinance, to permit erection and operation of theatre and allow building 14 ft. from side property line, south side of Keene Mill Road, approximately 330 ft. east of Spring Road, Mason District be granted, that entrance to the property will be from Keene Mill Road. They can have two lanes of traffic off Keene Mill Road, one to be used as an exit if necessary, and an exit through the First & Citizens National Bank

NEIGHBORHOOD THEATRE, INC. - Ctd.

property. Parking shall be provided at a 1-4 ratio, according to their seating of 952, with 238 parking spaces. The theatre shall be built according to site plan submitted today. (Revised 3-22-67, Springfield Surveys). All other provisions of the Ordinance must be met. Seconded, Mr. Baker. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion.

Mr. Pearson from Neighborhood Theatres explained that traffic must come both ways -- they could not operate without this. They will put up signs showing the exit on Backlick Road. The main reason for this design is to allow cars to pick up their patrons.

A representative from the Springfield Methodist Church asked if there could be both exit and entrance through the First and Citizens National Bank property, and if there was a way to get to Backlick Road through this property.

There was testimony given that it does go all the way through to Backlick Road, Mrs. Henderson said.

The Church representative stated that the Church was in agreement with the granting of the variance as requested and as shown on the plan, and they had no objections with the exit in the rear of the property as this would help the traffic situation on Keene Mill Road.

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.1 and Section 30-6.6 of the Ordinance, to permit operation of dog kennel and permit building and runs closer to side and rear property lines than allowed, Lot 3, Blakeley Manor (1366 Lancia Drive), Dranesville District (RE-1)

Mr. Hatcher presented notarized statements from several people as to the number of dogs on his property in past years: Statement from Alfred V. Lewis showed that in 1963-64 Mr. Hatcher was training dogs; in 1963 he had 9 dogs in the barn and 6 dogs in pens. Statement from Francis E. Wall reported that there were 15 dogs in 1963 -- 9 in the barn and 6 in pens. Arnold J. McDaniel stated that he had worked for Mr. Hatcher and in 1963 there were 15 dogs. A statement from the Government of the District of Columbia expressed regret about the fact that their records did not include purchase of dog tags for that year. A certification from the dog warden showed that on April 10, 1964, while on a routine check of this address, he found 12 dogs on the property. Tax record depreciation report showed 13 dogs.

Apparently 7 dogs are all that Mr. Hatcher can take care of now with the runs that he has, Mr. Smith said. The old pens will have to be removed. He can still own more than 7 dogs but the others will have to be kept some other place. With the one dog which he now has as a pet, or the house dog, this will make a total of 8 dogs on the property at any one time provided he can meet all requirements of the Health Department.

Mr. Smith moved that the application of William H. N. Hatcher, application under Section 30-7.2.8.1.1 and Section 30-6.6 of the Ordinance, to permit operation of dog kennel and permit building and runs closer to side and rear property lines than allowed, Lot 3, Blakeley Manor, 1366 Lancia Drive, Dranesville District, be denied. After considerable discussion in connection with the application, the Board finds that the applicant could not meet the requirements set forth in the sections under which he applied. There has not been a reason given for establishing this use. Seconded, Mr. Yeatman. Carried unanimously.

However, Mr. Smith continued, in connection with this application, during the hearing there was information presented which clearly indicates that Mr. Hatcher has established a non-conforming use under the Ordinance and he has a right to continue the operation provided he can meet Health standards. After considerable discussion, thinking in terms of trying to alleviate some of the existing problems, the Board has established the status of the non-conforming use, and limits the number of dogs to be kept on the premises at any one time to eight dogs. Testimony and proof given to the Board by Mr. Hatcher indicates that he had more dogs perhaps, but the limit should be set at eight dogs on the property, at any one time. He must meet all Health Department requirements for this operation and provide adequate fencing for the safety of the dogs as well as adjoining property owners. Mr. Hatcher shall be given 60 days in which to clear any possible violations and to remove the old runs from the premises, and to take care of all dogs in excess of eight. Seconded, Mr. Baker. Carried unanimously.

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Mr. Smith made the following clarification of the motion granting the application of FOUNTAINHEAD, INC.: That the Zoning Administrator be instructed to advise Mr. Ringle and Fountainhead, Inc. that it was the Board's

intent in granting the use permit of February 14, 1967 in connection with the use to be established on a certain tract of land around the Occoquan Reservoir, that the 100 tent sites or sites to be served by tents will, in the near future, be replaced by permanent or semi-permanent non-housekeeping units, and at the time Mr. Ringle has made a decision as to the type of building to be utilized, he should reappear and state to the Board, and present a copy of his proposed plans to the Board for the record. (Non-housekeeping units mean no cooking facilities, basically vacation units.) Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Charles Lynch's request to have toilet facilities in a trailer at his golf site at Fender was denied. They must be in a building.

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The Board agreed that the Humble Oil & Refining Company gasoline station at Fairfax Park could be either Colonial or ranch styled. A copy of the rendering of proposed station should be submitted for the records.

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The meeting adjourned at 5:00 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

April 18, 1967 Date

April 11, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, April 11, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The meeting was opened with a prayer by Mr. Smith.

G. T. WARD, application under Section 30-6.6 of the Ordinance, to permit horse stable closer to side and rear property lines, Lot 17, Burke Hills Association Subdivision, (9600 Burke View Avenue), Falls Church District (RE-1)

Mr. Ward stated that he owns Lot 16 outright and is a part owner of Lot 17 with written approval from the other owners to use it for this purpose. He presented a copy of the approval for the record. In January of this past year his daughter was given a pony. They built a temporary shelter for the winter months and now would like a shelter that would be completely demountable for removal when the time comes. Although the average lot size in Burke Hills is larger than two acres, it is not recorded, and that is why he has come before the Board. There are approximately 80,000 sq. ft. in combined Lots 16 and 17. This would be a temporary use while waiting for sewer to come in so they can sell Lot 17. Mr. Ward will pay the taxes on Lot 17 if the application is granted. The stable will be large enough to accommodate two large ponies and a tack room; stalls will be 10' x 10'.

No opposition.

Mr. Smith felt that there were many similar situations in the County and if the Board grants this application, there might be many others like it.

Mrs. Henderson suggested granting for two years and possibly considering a one year extension.

The only way he would vote for the application, Mr. Smith said, would be with the restriction that no additional housing other than that for the pony shelter could be constructed on the property.

Mr. Yeatman moved that the application of G. T. Ward, application under Section 30-6.6 of the Ordinance, to permit horse stable closer to side and rear property lines, Lot 17, Burke Hills Association Subdivision, (9600 Burke View Avenue), Falls Church District be granted according to plat submitted, showing Lots 16 and 17, a temporary permit for two years; the stable shall be removed before any permanent structures are constructed on the property. This is granted to Mr. Ward as owner of Lot 16 and part owner of Lot 17. Seconded, Mr. Baker. Carried unanimously.

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EDWIN LYNCH, application under Section 30-3.4.4 of the Ordinance, to permit gasoline service station to be located less than 100 ft. from property line, on Edsal Road West of Rt. 95, Mason District (I-G)

Mr. Bill Henry, employed by Edwin Lynch, and Raymond Lynch were present in support of the application.

Mr. Henry outlined the original parcel of land and showed the parts that had been taken by condemnation for road purposes, putting new Edsal Road right through the middle of it. The gasoline station that was on the property now faces what is an industrial drive. The lot originally contained 14.92 acres. It now has been reduced to approximately 10 acres. The lot on which they propose to build the station contains 32,285 sq. ft. and is about 150 ft. deep and 210 ft. wide. The area to the west of their property is zoned Residential. The area to the north is a 250 ft. buffer zone - also in an I zone - and has been since the original parcel was zoned to I-G. This is one of the things which created the problem in attempting to build the station here. There is a 100 ft. setback from the residential area and 100 ft. setback from the buffer zone for a building in an industrial district adjacent to a residential district. There is also a buffer zone of 50 ft. adjoining the Indian Springs Subdivision.

Mr. Smith asked if Mr. Lynch were aware that in March of 1967 the Board of Supervisors approved a road study from Braddock Road showing an interchange ramp on the subject property.

Yes, Mr. Lynch replied, they were aware of it, but it was their understanding that this road plan was a general plan and that a specific ramp had not been designated on their property. He read a letter received from Mr. Pumphrey of the Planning Staff stating that the proposed improvements which had been adopted by the Board of Supervisors should be considered as a representation of a general location and design plan.

EDWIN LYNCH - Ctd.

This is a very recent action by the Board of Supervisors, Mrs. Henderson said, and this should be resolved before the Board starts granting variances.

Mr. Henry said he had numerous documents showing that the road is in the plan for 1985 and this is a general design so really there is no way of telling whether this ramp would go on the Lynch property.

If it is planned within the next four or five years, Mr. Smith said, he would not be inclined to grant a variance to allow construction that would have to be removed when the roadway or ramp is constructed. There is no urgent need for a service station in this area and the Board should take time to study what was approved by the Board of Supervisors only last month.

Mr. Henry said he had received a letter from Mr. Britt of the Highway Department stating that there were no funds available for construction of the proposed road, nor was it programmed for the near future. Another letter from the Design Engineer of the Highway Department stated that they did not agree that there should be an interchange here, Mr. Henry continued. In discussing this with officials at Atlantic Research and Virginia Concrete, Mr. Henry said that he had been told by them that this interchange would not fulfill their needs and that it is so far in the future it is not practical. No settlement has been made on the property which was taken by the Highway Department; this was a recent condemnation case. If they cannot build on the land, this will go into the condemnation proceedings.

Mrs. Henderson suggested moving the building forward and reducing the variance.

This would create a problem regarding their entrances, Mr. Henry said. This will be a ranch style Gulf station with three bays.

The Board discussed other ways in which the variance could be reduced. Mr. Knowlton suggested reversing the building and putting the bays at the other end.

No opposition.

Mr. Lynch asked if the Board could apply commercial setbacks to this use since it is not an industrial use, and was told that the Board could not change the setback requirements of a zone. Mrs. Henderson suggested that Mr. Lynch apply for a change of zoning and then he would not need a variance.

After more discussion of how to locate the building on the property with the least amount of variance Mr. Barnes moved to defer to May 9 to allow the applicant to redesign his station to reduce the variance request, and for new plats. Seconded, Mr. Yeatman. Carried unanimously.

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McLEAN VOLUNTEER FIRE DEPT., application under Sec. 30-7.2.6.2 of the Ordinance, and Section 30-6.6, to permit erection of addition 20 ft. from Redman Drive and on rear property line, 1440 Chain Bridge Rd., Dranesville District (C-D)

Mr. Ormston represented the applicant. He stated that the Board had granted them a variance about 1 1/2 years ago for new construction in the front but they did not utilize it and the permit expired. Now they are in need of space for additional equipment and storage. They plan to use their meeting room for storage and the new space would be used as a meeting room and for parking the equipment. The Fire Department feels that this plan is a better one than that which was approved by the Board previously. They have 18 parking spaces provided now and they do not plan to add any more cars so this should still be adequate for their use. The proposed addition will be 80' x 40', a one story structure that will match the existing stfucture.

Mr. Ralph Kaul described the traffic passing in the rear of the Fire Department and said he felt that building the structure to the rear line would create an unsafe condition. The Security National Bank is being built directly in the rear of the fire station, he said.

Mr. Ormston contended that the Fire Department backed up not to a street, but to a parking lot.

It is a street in the sense that it is access through the parking lot, Mr. Kaul said, and if this addition comes to the rear line of the Fire Department property, it will create an unsafe sight distance situation.

McLEAN VOLUNTEER FIRE DEPT. - Ctd.

Mrs. Henderson suggested an addition along the entire side of the Fire Department, extending out perhaps 15 ft.

Mr. Ormston said he did not know whether this would serve the purpose or not.

Mr. Roger McIntyre, Secretary of the McLean Volunteer Rescue Squad, gave a report on equipment owned by the Fire Company, and said they needed the space very badly. They have been in this location for 50 years.

A letter from the Fire Commission stated that they had no objections to the proposed addition. Their major concern would be in the details of construction and utilities and the Company has indicated that this information will be forwarded to them as soon as it is available.

The Planning Commission reported that on April 10 they voted unanimous approval of the application.

In view of the recommendation by the Planning Commission and from evidence presented to the Board in support of the application, Mr. Smith moved that the application of McLean Volunteer Fire Department, to permit erection of addition 20 ft. from Redman Drive and on rear property line, 1440 Chain Bridge Road, Dranesville District be approved. This proposed addition is better than one that was approved previously for construction in front of the building. It was stated that there would be no increase in the number of personnel with the Fire Department, therefore no additional parking spaces will be needed. All other provisions of the Ordinance must be met unless waived by the Board of Supervisors as far as site plan is concerned. Seconded, Mr. Barnes. Carried unanimously.

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H. DANIEL HALL, application under Section 30-6.6 of the Ordinance, to permit erection of Red Barn Restaurant 25 ft. from right of way line of #1 Highway, 7324 Richmond Hwy., Mt. Vernon District (C-G)

Mr. Hall and Mr. Fred Cardwell were present in support of the application.

Mr. Cardwell stated that the property was owned by the Hybla Valley Corporation and had been deeded to the C & P Telephone Company. The front part was then sold to Mr. Hall for the purpose of erecting a Red Barn Restaurant. The Planning Engineer requested a 46 ft. dedication for widening of U. S. #1 including a service drive and in conveying this dedication, it necessitated the 15 ft. variance request on the front.

No opposition.

What the applicant is requesting is something that would normally be allowed as a site plan transaction rather than a variance, Mr. Smith said, and it seems that the applicant should have the same privileges as others.. Therefore Mr. Smith moved that the application of H. Daniel Hall, application under Section 30-6.6 of the Ordinance, to permit erection of Red Barn Restaurant 25 ft. from right of way line of #1 Highway, 7324 Richmond Highway, Mt. Vernon District, be approved as applied for, in conformity with plats submitted, with the understanding that he will not be allowed to add any additional seating capacity in front of the building because he will already have a variance on the property. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

Mr. Hall said he had already allowed for the extra seating capacity in the building as in the one at Fairfax.

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WESLEY E. & HELEN L. MIZELLE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day nursery and kindergarten, maximum 110 children; hours of operation 8:30 a.m. to 12 noon for kindergarten, 6:45 a.m. to 6:00 p.m. for day nursery, Lots 2, 3 and 4, Mizelle Subdivision, (2600-02-04 Shady Oak Dr.), Mt. Vernon District (R-10)

Mr. John I. Pittman, attorney, represented the applicants and presented the following statement: The property is zoned in the R-10 District and lies on the east side of North Kings Highway between Jefferson Davis Highway and the Capital Beltway. The total land area involved is 43,911 sq. ft. The building in which the nursery will be operated is situated on the northeast portion of the property and is relatively isolated from adjacent property except that located at 5745 North Kings Highway which houses a doctor's office. In 1957 the applicants commenced providing to parents continuous care for young children. Mrs. Mizelle has a broad experience working with young children including long association with Girl Scout organizations. Mr. Mizelle has a strong background in construction and maintenance activity.

Mr. Pittman's statement went on to say that the building in question was built in 1956, and contains a full basement including recreation room, a finished bedroom, 3 unfinished bedrooms, 1 finished and 1 unfinished bathrooms. The ground level exterior is brick, contains a living room, dining room, a four-foot hall (all carpeted), a kitchen, 2 bathrooms and 3 hardwood floor bedrooms. The roof is five ply, 20 year life, built up asphalt. The basement is masonry (cinder block and brick) with tile flooring over concrete. The area is safe for children. Traffic entering Shady Oak Drive of necessity travels at a very slow speed. There is no attraction for children on North Kings Highway aside from the fact that the area will be fenced. Adequate parking area is provided for the nursery facility and is so situated as to cause no safety hazard for the children. Any noise created by the children will not be disturbing to adjacent property owners and in all likelihood would only be heard by persons in the adjacent doctor's office. In the event this application is granted, the facility will not commence operation until a state license has been obtained which involves compliance with the high health and safety standards set by state authorities. Applicants are prepared to comply with all requirements imposed by Fairfax County.

Mr. Mizelle added that they would provide transportation for the students not transported by their parents. With 110 anticipated children, they would probably have six buses.

Mrs. Henderson felt that there should be a minimum of 15 parking spaces to serve the facility.

No opposition.

Mr. Smith moved that the application of Wesley E. & Helen L. Mizelle, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day nursery and kindergarten, maximum of 110 children at any one time, hours of operation 8:30 a.m. to 12:00 noon for kindergarten, (6:45 a.m. to 6:00 p.m. for nursery), Lots 2, 3 and 4, Mizelle Subdivision, Mt. Vernon District be approved. The application covers the entire area being Lots 2, 3, and 4, Mizelle Subdivision, and there shall be no additional construction or building other than that associated with the school. Permit is granted to Mr. and Mrs. Mizelle only, non-transferable, and they must meet all Health Department regulations. Sixteen parking spaces shall be provided before issuance of occupancy permit. Seconded, Mr. Barnes. Carried unanimously.

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BRANDYWINE SWIM & RACQUET CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool and bath house, at east end of Helenwood Drive (Old Forge & Surrey Square Subdivision), Providence District (R-17)

Mr. Thomas Middleton, President of the Club, stated that their membership presently totals 110 members and they are anticipating 140 by the middle of this year. They would like to build and open the pool this year. Access would be via Helenwood Drive. The Park Authority owns property which comes right up to Surrey Square and they will build a footpath from this development to the pool site so people can walk. The land in question was originally intended for the swimming pool site, however, the builder neglected to take care of all the details -- now they have worked out an arrangement whereby the Park Authority is giving the land back for the pool. The area involved is 3.04 acres. There are no present plans for tennis courts and if they decide to have them they will come back to the Board for permission. They do not plan to have swimming meets right away, they are just trying to get started.

Mr. Smith said there should be no loudspeaker noise that can be heard off the premises, and no glare or lights shining onto adjoining property.

No opposition.

Mr. Smith moved that the Board approve the application of Brandywine Swim & Racquet Club, Inc., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool and bath house at east end of Helenwood Drive (Old Forge and Surrey Square Subdivisions), Providence District, granted for a maximum membership of 250; parking shall be as shown on the plat, 60 spaces at the time of opening with additional parking to be provided on the site when it becomes necessary. Granted to the Brandywine Swim & Racquet Club, Inc. only. There shall be no lights shining onto adjacent properties; no noise from loudspeakers carrying beyond the pool property. Hours of operation will be from 9 a.m. to 9 p.m. for the normal swimming season. Seconded, Mr. Barnes. Carried unanimously.

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April 11, 1967

ANNANDALE MARINE & SPORTS CENTER, INC., application under Section 30-6.6 of the Ordinance, to permit erection of a boat storage building 25 ft. from Annandale By-Pass and permit erection of fence 6 ft. high, property at SW corner of Rt. 236 and proposed Annandale By-Pass, Mason District (C-D)

Mr. Maurice Goodpasture described the variances requested for the building, and explained that they were necessary because of the peculiar configuration of the property. The plan which they propose is the only way they can locate the building on the property to give maximum utilization of the area required for public parking and provide a good traffic pattern in and out of the property. Under their proposed plan trucks could proceed directly from the By-pass into the storage building, pass out through the other side onto #236. Otherwise, there would be a problem in moving the trucks in the cramped space. Even if they changed the position of the building on the site, it would still require some kind of a variance.

What about the corner of the property that is apparently cut off for some other use, Mrs. Henderson asked?

That property is going to be sold, Mr. Goodpasture replied, but he did not know what use would be made of it.

Mrs. Henderson suggested using the entire tract and then there would be no need for a variance.

This would be an excessive piece of ground for this particular use, Mr. Goodpasture said.

Mr. Yeatman said he felt that part of the trouble in Annandale today was caused by squeezing the buildings in on their lots and he was opposed to granting any variances on this property. He felt that the entire property should be used for the boat center.

Mrs. Henderson said that she felt granting a variance in Annandale on a road that is not even constructed was certainly an unreasonable request, especially since there was enough land for the operation if they used the entire parcel.

Mr. Smith agreed with Mrs. Henderson's comments and added that the Ordinance specifically prohibits the Board from granting variances such as this one where the applicant has created the situation himself in dividing the property. He could see no justification for a variance, he said. The area which has been set aside for possible filling station use would no doubt require a variance also.

Mr. Goodpasture explained that they do not own the entire piece of property; they are trying to purchase the piece in question. They do not own the land but have put a deposit on it.

Mr. Smith said he was glad that the applicants did not have a vested interest in the land because he did not feel this was a good approach, nor one that the Board could consider.

Mr. Goodpasture said that another one of their problems was due to the fact that the man who originally owned the land had agreed with Kroger Store that no buildings would be erected closer than 300 ft. from #236. The edge of their proposed building has been placed at the restriction line and all of the area has been set aside for parking space.

Mr. Smith questioned whether or not this operation would be allowed in a C-D zone as it apparently includes overhauling of boats, rebuilding, maintenance, etc. and this is a heavy use to make of a C-D area.

Mr. Reginald Myers asked if the Board had determined that this would not be allowed in a C-D zone.

Mrs. Henderson said there had been no determination made; that she and Mr. Smith felt the use was questionable in a C-D zone, but her main reason for opposing it was that she felt the use was too much for the particular piece of property.

Mr. Smith said he questioned the repair and maintenance phases that Mr. Goodpasture has indicated -- he did not believe these should be permitted in a C-D zone.

Mr. David B. Finnegan, President of the Crestwood Manor Civic Association, spoke in opposition. He felt the application should be denied because there had been no evidence of hardship presented as defined by the Ordinance.

Mr. Smith stated that he felt the application did not merit any further consideration or postponement, based upon information presented; it is certainly not in keeping with the variance section of the Ordinance and should be denied at this time. In the application of the Annandale Marine

ANNANDALE MARINE & SPORTS CENTER, INC. - Ctd.

And Sports Center, Inc., Mr. Smith moved that the application be denied, as no hardship has been presented as defined by the Ordinance; the situation appears to be one that was created by either the developers or the applicant on this tract of undeveloped land. That the request for the fence be deferred indefinitely until the applicants can find out whether they can work out a new plan for use of the property. Seconded, Mr. Yeatman. Carried unanimously.

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NORTH SPRINGFIELD LITTLE LEAGUE, INC. & BRADDOCK ROAD BOYS CLUB, INC., application under Section 30-7.2.8.1.4 of the Ordinance, to permit operation of football and baseball fields and to allow fields to be lighted, north side of Braddock between Rt. 650 and Rt. 733, Falls Church District (R-17)

Robert W. Fick, President of the North Springfield Little League, said they were granted a use permit November 23, 1965 and basically this is the same use and the same people operating it, but they would like to install lights on the fields. At present they are handling 850 boys from the area and if they don't acquire lights, some of the boys would be without baseball. The lights would be put on the larger field where the big boys play. They do not own the property, he said, it is being leased.

Mrs. Henderson noted a letter from Mr. Babson in favor of the operation.

No opposition.

Mr. Smith moved that the application of North Springfield Little League, Inc. and Braddock Road Boys Club, Inc., application under Sec. 30-7.2.8.1.4 of the Ordinance, to permit operation of football and baseball fields, and to allow fields to be lighted, north side of Braddock between Rt. 650 and Rt. 733, Falls Church District, be approved. This is actually a continuation of a present use permit which has existed on the property since 1965 but this use is under a different name and for the same purpose. The only change would be in the lighting of the property in the evenings for football and baseball, especially during the summer hours. Parking requirements originally set up should be adequate for the extended use. It has been recommended by the Staff that there be no permanent improvements constructed within 150 ft. of the existing center line of the existing right of way. Seconded, Mr. Barnes. Carried unanimously.

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THE MERRYWOOD CO., A JOINT VENTURE, CARVILLE J. CROSS & C. WYATT DICKERSON, JR., application under Sec. 30-6.6 of the Ordinance, to permit erection of buildings with less height than allowed, north side Rt. 123, approx. 200 ft. east of George Washington Memorial Parkway, Dranesville District (RM-2H)

Mrs. Henderson asked why the applicant was requesting a variance instead of a rezoning?

Mr. Barnes Lawson, representing the applicant, replied that the application really was a culmination of several years of work. This is what they think will be the final steps that will have to be taken in Fairfax County to enable them to conclude the development program for this particular property. They have discussed the application with the Director of Planning, the Planning Commission and Board of Supervisors, citizens in the area and the Interior Department, and have come up with this plan. When he met with Mr. Woodson and Mr. Yaremchuk to discuss the matter, they decided that town houses should be considered multi-family housing and should be permitted in the RM-2H zone. They are now seeking a variance to allow them to construct dwellings less than 60 ft. in height, the minimum height now allowed in this zone. Their problem came about due to the fact that there are covenants recorded on the property, and also because the Interior Department filed a scenic easement condemnation on the property. As the matter was settled, certain restrictions were imposed and recorded on the property, thereby limiting the use which may be made of it. Some of the restrictions which were imposed were: no more than one unit per acre may be allowed; no trees larger than 8" in diameter nor any tree higher than 30 ft. in height may be cut; no erection of transmission or utility lines on the property without consent of the Interior Department; a limit of one identification sign for the property; no structures exceeding 40 ft. in height; and the overall development plans must be presented to the Interior Department for their approval or disapproval. These are the impediments or restrictions within which they are trying to work. The proposed plan limits the number of units to 47 on the entire 47 acres. The applicant feels this is a hardship which the Board of Zoning Appeals may consider.

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THE MERRYWOOD CO., A JOINT VENTURE - Ctd.

Mr. Lawson continued that he felt this was the type of thing which should be encouraged; it is consistent with what is in the area. They also have a topographic problem. There is a 215 ft. drop on the property from Chain Bridge Road on down. For example, if the Interior Department covenants were not on the property and they wanted to develop it with 60 ft. structures, the only way they could do it would be by cutting and filling to such an extent that they could conform to the literal sense of the Code but they would be in the position of destroying trees, changing the grades, run-off, etc. and doing what is not desirable. Under the proposed plan, they are trying to cluster the houses where the trees are not, so that they can maintain the existing character of the property.

Mrs. Henderson commented that she thought the proposal was fine and the structures should be as low as this, but she did not think this was the proper way to go about it. There has always been discussion as to whether the Board has authority to grant variances on height.

Mr. Lawson stated that he felt the application was properly before the Board. The Board has a perfect right to vary the interpretation of the Ordinance in this sense.

Has this general layout been approved by the Interior Department, Mr. Smith asked?

Yes, Mr. Lawson replied, and it has been discussed with the Planning Staff, the Planning Commission and the Board of Supervisors as well.

Mr. Collins presented pictures of the proposed buildings, describing them as having the appearance of gracious country homes along the river. There are four and five homes in a group; never more than five.

Mr. Smith stated that this was a situation not created by the applicant, but by the Federal courts. The design is very beautiful.

Mr. Woodson said he had discussed this with the Commonwealth's Attorney and he had ruled that this is a multi-family use and would be permitted in the RM-2H zone.

Mr. Bodine asked what would be done with the remainder of the land not developed with town houses?

It would be owned by a homeowners' association, Mr. Lawson replied.

Mr. Bodine also wanted to know what was the period of applicability of the scenic easement.

Mr. Lawson's interpretation was that this was a final order of the court and that it is forever. The balance of the property would belong to all of the 47 home owners and yet not singularly to any of them.

No opposition.

Mr. Yeatman moved that the application of Merrywood Company be granted as applied for with the buildings averaging from 25 ft. to a maximum of 39 ft. in height. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker.

Mr. Smith offered an amendment -- to allow the applicant to construct in conformity with the restrictions which were set by the court, allowing construction up to 40 ft. in height.

Mr. Yeatman accepted the amendment; Mr. Baker agreed.

Mrs. Henderson voted against the motion because she felt the Ordinance did not allow the BZA to grant variances on height. This should have been achieved by a rezoning. Carried 4-1.

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THE MERRYWOOD COMPANY, A JOINT VENTURE, Carville J. Cross & C. Wyatt Dickerson, Jr., application under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, north side of Rt. 123, approx. 200 ft. east of George Washington Memorial Parkway, Dranesville District (RM-2H)

Mr. Lawson stated that the applicants had agreed with the County to provide a pumping station large enough for the entire watershed, and if the other property owners wished to hook on, they could. 175 acres is the total acreage that would contribute to the pumping station if the people elected to hook on.

THE MERRYWOOD COMPANY, A JOINT VENTURE - Ctd.

Mr. Dewberry stated that there would be no offensive odors or noise from the pumping station. There would be a standby gasoline engine in case of electricity failure that might possibly be heard by someone in the area, but this would be a rare occurrence. The building as designed would be 9 ft. x 11 ft. and would blend in with homes in the area.

Mrs. Henderson read the Planning Commission recommendation in favor of the application.

Mr. Smith moved that the application of the Merrywood Company, A Joint Venture, Carville J. Cross & C. Wyatt Dickerson, Jr., application under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, north side of Rt. 123 approx. 200 ft. E. of George Washington Parkway, Dranesville District, be approved for a pumping station designed for the entire 175 families in this particular watershed if the property owners desire to make it available to themselves; the pump shall be enclosed to minimize noise, and there should be no odors to citizens in the vicinity. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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WALT ROBBINS, INC., application under Sec. 30-.6.6 of the Ordinance, to permit erection of office building 10 ft. from property line, NW corner of Arlington Blvd. and Javier Rd., Falls Church District (C-O)

Mr. Fred Johnson and Mr. Robbins were present in support of the application.

Mr. Robbins stated that the entire tract is zoned C-O but it adjoins residential property, on which application has been made for zoning to allow apartment construction.

Mrs. Henderson suggested that the applicant purchase a strip of land 15 ft. wide and have it rezoned to C-O, deleting the necessity of a variance.

Time is of the essence, Mr. Robbins replied. He has a contract to deliver the building by July of this year.

The only reason the Board can grant variances is when there is a topographic problem, Mrs. Henderson said, and the only reason that has been given by Mr. Robbins is that this is a corner lot and the building will not fit on the property -- that is not a reason for granting a variance under the terms of the Ordinance.

If they move the location of the building it would still require a variance, Mr. Robbins explained, and it would not be located the way Burroughs wants it. (Burroughs Adding Machines) This is the basic design built by Burroughs all over the country.

No opposition.

Mr. Baker moved to defer the application to April 18 in order to allow the applicants to work out another design for fitting the building on the property. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion -- they felt it should be denied.

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DEFERRED CASES:

HERBERT H. GARLAND, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 8.8 ft. from side property line, Lot 12, Blk. Q, Sec. 6, Mosby Woods, (10222 Antietam Ave.), Providence District (R-12.5)

(Deferred from February 14 pending adoption of amendment which has since been adopted, making the application a moot one.)

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KATZEN & GIBSON, application under Sec. 30-6.6 of the Ordinance, to permit erection of warehouse, 30 ft. from side line and 50 ft. from rear line, and permit erection of office building, 70 ft. from rear line, west side of #635, approx. 300 ft. N. of Beulah Rd., Lee District (I-P)

(Deferred from March 14 for new plats and further information.)

Mr. Roy Spence presented new plats, showing the outline of the property as it really is. With the corner being cut off, he said, it was necessary to move the building location toward the east, but it still is 50 ft. from the rear line at its closest point, as it was in the earlier proposal which was granted by this Board.

KATZEN & GIBSON - Ctd.

Mr. Smith asked when the applicants would start construction if the application is approved.

Mr. Spence said they would get their footing permits as soon as the final site plan is approved.

Mr. Gaffney, representing the Capitol Employees property adjacent, raised a question as to the construction of a rail siding. He said he found it difficult to strongly oppose the application, not knowing what decision the County may reach with relation to the pending zoning application on their property, but felt that as long as their own property remains residential, they must protect it. They have submitted an application for I-L zoning. He expressed concern about the applicants building within 20 ft. of their property line.

If the Industrial rezoning category is obtained on the Capitol Employees property, Mrs. Henderson said, there would no longer be a side line restriction required. However, if the land is not rezoned and remains residential, there will have to be a fence, trees, and proper screening provided between the two properties.

Mr. Spence said they had discussed the railroad siding with the railroad company and have obtained tentative approval for it. There will definitely be a siding on their property. The building will be 30 ft. from the line with a 10 ft. loading dock, which will make it 20 ft. from the line.

There is no loading dock indicated on the plats, Mrs. Henderson said, so the loading docks should be 30 ft. Mr. Spence said he would agree to that.

Mr. Smith moved that the application of Katzen & Gibson, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 30 ft. from side line and 50 ft. from rear line, and permit erection of office building 70 ft. from rear line, west side of Rt. 635, approximately 300 ft. north of Beulah Road, Lee District be approved as applied for, and that all other provisions of the Ordinance must be met. This is a 70 ft. variance but all indications are that adjoining property will be rezoned for industrial purposes. Seconded, Mr. Baker. Carried unanimously.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to dial center (existing), west side of Rt. 623, approx. 2800 ft. south of intersection with #235, Mt. Vernon District (R-17)

(Deferred from March 28 at the applicant's request.)

Mr. Koontz said the permit was originally granted August 13, 1962 for the dial center known as the Mount Vernon Dial Center. The land involved contains 3.967 acres. It is an attractive building which blends in with the existing development in the area. At the present time there are 17 housing projects under construction or proposed for this area and by 1975 there will be 22,000 main station telephones being served by this dial center as compared to the 7,031 being served today.

There are four employees in this station at present, Mr. Koontz continued, and if the application is granted they would have seven. There are seventeen parking spaces provided now, and they will increase the number to twenty-three if the application is granted. The parking area is screened from the road and is 75 ft. back. There will be no noise, fumes, odors, electrical interference, and no traffic congestion created by the addition. The proposed addition would be located in the rear of the building and would be in accordance with existing architecture. This is a one-story building.

No opposition.

Mrs. Henderson read the Planning Commission recommendation for approval.

Mr. Yeatman moved to approve the application of Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of addition to existing dial center, west side of Rt. 623, approximately 2800 ft. south of intersection with Route 235, Mount Vernon District, as applied for, and that all other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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A letter from Mrs. Kromer regarding the City of Falls Church water tower and road conditions was turned over to Mr. Woodson for reply.

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April 11, 1967

Request from Congressional School in Sleepy Hollow to form a non-profit club beginning in June - The Board agreed that a formal hearing would be necessary.

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Mr. Warren Davis, representing Hot Shoppes, Jr., reported on the orange lights at their Hot Shoppes, Jr. restaurants, which the Board of Zoning Appeals had previously considered as a sign or trademark, and ruled that they must be removed. Mr. Davis said the lights had been developed originally in Philadelphia to give illumination to the parking area and at the same time not attract mosquitos and bugs. He felt that they were not intended as a trademark or sign, but for the purposes that he had named.

Mr. Smith moved that the Board take the matter under advisement and ask the Zoning Administrator to report on the density, the amount of light, and the reasons for placing them on the property other than for identification purposes. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 5:45 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

May 16, 1967 Date

A special meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 18, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

WILLIAM PAGE, application under Section 30-6.6 of the Ordinance, to permit erection of new car preparation center and permit building closer to side property and rear property line, east side of Annandale Road, approx. 600 ft. north of intersection with Route 50, Falls Church District (C-G)

Mr. Roy Spence represented the applicant who was also present. Mr. Spence described the zoning in the area and said that the R-10 area behind this property is being sought by purchasers for commercial use; these people have approached Mr. Page and have obtained from him a 6 ft. easement along the southerly side of the property. There is a 14 ft. right of way existing already, and with the 6 ft. which Mr. Page has granted, the easement for egress and ingress along the side of the property is now 20 ft. Mr. Page proposes to place a 58' by 80' building directly on the northerly property line, the building to contain twelve bays for the proposed new car preparation center. By locating the building in the manner proposed, the cars can come in the entrance, enter directly into the bays, thereby facilitating traffic movement in and out of this particular building. Some cars from the used car lot might be brought in for minor servicing similar to that which is done to new cars. In addition, Mr. Page would like to place an automatic car wash in one of the bays to be utilized for the purpose of washing Mr. Page's cars only -- not for public use. It is anticipated that there would be from 30 to 40 cars per day moving through the car wash.

Traffic flow in and around this building becomes quite critical and if the building were turned on the property, Mr. Spence continued, there would be a 58 ft. building on a 102 ft. wide lot, leaving 22 ft. on either side. If this is reduced by 6 ft. (which Mr. Page is granting for additional right of way) this leaves 19 ft. and moving this number of cars in and out of a 19 ft. space would be extremely difficult, if not impossible. It is for that reason that the building has been set in the position shown on the plats.

Mr. Smith asked if it was known at the time of the rezoning that these variances would be necessary.

Mr. Spence replied that it was not known at that time.

Mr. Smith said he considered this use as a favorable commercial use, but he felt that there should have been some indication at the time of rezoning of the need for a variance. Even though the area behind this property will probably be used for limited commercial uses, there is nothing in the Master Plan to indicate this, and he said he could not see how the Board could grant the variance requested.

The Staff recognizes that the area to the north will be commercial someday, Mr. Spence said, and they indicated this in the Staff report that was given at the rezoning hearing. However, he did not have a copy with him.

Mrs. Henderson noted that the subject property, as well as adjoining land, was shown on the adopted Jefferson Plan for residential use.

Mr. Page stated that all of the work would be done within the enclosed building. They would operate five days a week from approximately 7:30 a.m. to 5:30 p.m. and no Sunday work. The area would be fenced and lighted.

No opposition.

Mr. Smith moved to defer the application to April 25 to allow Mr. Spence to obtain a copy of the Staff recommendation on the William Page rezoning application. Deferred for decision only. Seconded, Mr. Barnes. Carried unanimously.

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PINEWOOD DEVELOPMENT CORP., application under Section 30-2.2.2 of the Ordinance, to permit (1) Reduction of minimum lot area for each dwelling unit in a town house development from 2400 sq. ft. to 2200 sq. ft. - column 3; (2) Reduction of minimum lot width for end lots in a town house development from 40 ft. to 37 ft. - column 3; (3) Increase maximum percentage lot coverage from 25% to 35% in R-T zone - column 4; (4) Reduction of minimum front yard depth (building setback) from 35 ft. to 10 ft.

April 18, 1967

FINEWOOD DEVELOPMENT CORP. - Ctd.

for each dwelling unit in a town house development - column 6; property on State Rt. 626 - Old Alexandria (Buckman) Road. Lee District (R-T)

The Board discussed the application as filed and agreed that the items all meet the requirements of the new Ordinance except for item #1 -- reduction of minimum lot area for each dwelling unit in a town house development from 2400 sq. ft. to 2200 sq. ft. However, the proposed amendment covers all the items in the application.

Mr. Smith asked about the status of the proposed amendment.

Mr. Knowlton reported that the Planning Commission had been requested by the Board of Supervisors to consider the amendment but they have not set a date for the hearing at this time.

Mr. Ratner and Mr. Sharood, attorneys, represented the applicant. Mr. Rather stated that the property was rezoned 15 months ago to R-T and Finewood Development Corporation purchased the property from the party who had the land rezoned. The development which they plan will be a real credit to the County; they are using the finest developers and architects.

At the time of filing, Mr. Sharood said, the present town house ordinance had not been adopted and that is why they listed all of the items in their application. It now appears that the only one on which they need a variance is on the reduction of minimum lot ~~width~~ area. The basic purpose of the request is to increase the amount of open space and the amount of land available for the use by all residents of the community. The number of dwelling units will remain the same. There will be 542 units in the entire development, but this application does not cover the entire plan. This application covers the first section which consists of 202 units. By reducing the number of square feet in the minimum lot size, it would eliminate 9 ft. from the rear of each lot. This area is where it is anticipated all the utilities for the properties will be located rather than having them run in the streets and in front of the lots. The rear patio and garden area of each lot in effect will be smaller. The town house units will be placed more to the rear of the lot with parking facilities for two vehicles in front of each lot, and then another patio and garden area in front of the town house. The houses themselves will set back an average of 50 to 60 ft. from the street. Between the parking area and the garden space will be a 3 1/2 ft. high brick wall with trellis above it. The houses will be sold as individual dwelling units. The minimum reduction from 2400 sq. ft. to 2200 sq. ft. will also allow for widening of the private streets from 22 ft. as required, to 37 ft. to allow for guest parking on the street. They are trying to keep as much open space as possible, Mr. Sharood said, and this will be maintained by a community association.

Mr. Samson described the lake proposed for the area which for many years has been a swamp. The area will be excavated for the lake, stocked with fish, and provide a place for small boats. They have taken a detriment and have turned it into an asset, and have gotten rid of mosquitos that have been somewhat of a problem.

The houses will be 22 ft. wide, three story houses, with at least three bedrooms, Mr. Samson continued. Price range will probably be from $25,000 to $27,000, and perhaps in the 30's when they complete the project. Their engineers have tried to save as many trees as possible and every inch of recreation space possible. The reduction in lot size is not really taking anything away from the people -- the land is still there in open space. The land will be owned by the community association and if the people wished to increase their lot sizes later on, they could do it through the community association.

Mr. Smith asked if there would be any fee charged for the open space.

Only for the maintenance of the common areas, Mr. Sharood replied, and this is the normal procedure for such cases. By purchasing a town house one would automatically become a member of the Association, he continued and therefore fees charged by the Association would be charged against the property. This is required by FHA and VA.

Even though they are reducing the overall lot area, Mr. Samson added, they are providing a wider town house then required.

Mr. Smith asked Mr. Woodson if he could have approved the application had the proposed amendment been adopted. Mr. Woodson replied that he could have.

Mrs. Mary Thonan from the Woodlawn Citizens Association stated that they wished to be assured that the town house buildings themselves would adhere to the 40 ft. setback that was originally agreed upon at the time of rezoning. The wall and the trellis she felt were fine, but she asked that it be spelled out that that is what they are going to build within 10 ft. of the road and not something else.

PINEWOOD DEVELOPMENT CORP. - Ctd.

Mrs. Thonan said also that the people in the area still would like to keep the green buffer strip which was shown between the single family houses and the R-T zoning at the rezoning hearing. The people would prefer the green buffer strip rather than the brick walls as shown.

The plan which Mrs. Thonan refers to, Mr. Samson said, is the preliminary plan submitted at the time of the rezoning. At that time the property was owned by a different owner. The applicant bought the land already zoned for town houses and has lived up to everything that was in the written minutes; if there was any verbal agreement regarding buffers, he said he did not know about it. As to the wall, the applicant feels that a wall would be a much better buffer than having debris catching open space. He presented a copy of the minutes of the Board of Supervisors hearing on the matter of rezoning; there was no mention of a buffer strip except that all existing foliage would be preserved wherever possible.

Mr. John T. Hazel, Jr., said he represented the applicants in the original hearing, RISKO, INC., and there was a buffer strip shown on the side next to the water course, but beyond that he did not recall any.

Mr. Samson showed the plan submitted at the time of rezoning, showing a buffer of 10 ft. on the map. He said they would have a minimum of 20 ft.

Mrs. Thonan concluded that they are very pleased with the layout shown, and they believe Mr. Samson when he says he will preserve all the trees possible. She said that her home was built by Mr. Samson and the trees were saved.

Mrs. Marilyn Klein also referred to the areas originally conceived to be buffer areas, and to an area proposed for acquisition by the Park Authority. She said she was opposed to the variances to permit shortening of the back yards, and the buildings themselves should not be permitted any closer to the street than if there were no variances. She would not object to the walls and trellises but wanted assurance that the buildings could not be moved forward.

Mr. Sharood said the original plan showed twenty units along the side, exactly in the same place where they now propose twelve units.

There is a problem regarding topography, Mr. Samson stated. They could not place the lake anywhere except where the swamp is. This will be a four acre lake. If they go back to the 2400 sq. ft., this will possibly make the lake impractical or too small.

Mr. Smith said he felt that the Ordinance did not give the Board authority to grant variances based on open space.

It seems that the Board is being asked to work out the R-T problem which obviously is not solved yet, Mrs. Henderson said, and that is what they have been trying to do for two years. A new amendment was passed in March and already something is missing. The Board in the past has been granting variances not authorized by the Ordinance in an attempt to work out some of the problems.

Mr. Sharood again said they have tried to use the land in the best possible manner. The land is very rough, some cannot be used for building so they have used it for the lake. The 10 acre school site has been approved by the School Board, and they are getting the best portion of the tract.

Mr. Smith moved that all portions of the application of PINEWOOD DEVELOPMENT CORP. be deleted other than the portion pertaining to reduction of minimum lot area of each dwelling unit from 2400 sq. ft. to 2200 sq. ft. and that this portion be approved as read. It has been decided by the Board that the other changes which were sought are no longer needed, as the applicant meets requirements of the new Ordinance. The 2200 sq. ft. requirement would be met by adoption of the proposed amendment to the town house ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried, Mr. Baker abstaining, and all others voting in favor.

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PINEWOOD DEVELOPMENT CORP., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit operation of private community club or center including swimming pools and facilities accessory thereto, on State Rt. 626 - Old Alexandria (Buckman) Road, Lee District (R-T)

Mrs. Henderson asked if the club house would be used year-round.

Mr. Sharood replied that it would be.

Access to the pool would be either by driving or walking and the road route is entirely within the development, Mr. Sharood continued. There will be pathways and bicycle paths through the park areas so there will be many walk-in accesses. The total acreage is 92 acres and they have shown 98 parking spaces on the plat. The facilities will be owned and operated by the community association which has already been chartered. The club house will be two-story with part of the first floor to be used as the bath house, pump house, etc. and the other two-thirds of the first floor will be used as meeting rooms. The entire second floor will be used as a large meeting hall with a small kitchenette. It will be built and deeded to the community association at no cost. Non-profit organizations on occasion would be allowed to use their meeting hall at no cost to them. They do not propose any tennis courts at this stage. Anyone purchasing a home in the development would automatically become a member of the association and would be assessed on a common basis and would have access to the facilities.

No opposition.

Mr. Smith moved that the application of PINEWOOD DEVELOPMENT CORP., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit operation of private community club or center, including swimming pools and facilities accessory thereto, on State Rt. 626, Old Alexandria (Buckman) Road, Lee District be approved as outlined by the developer in conformity with plat submitted, approved with 98 parking spaces on the premises. It is understood that all purchasers of town houses within this development will automatically become a member upon purchasing land and will have access to the facilities. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried, all voting in favor except Mr. Baker who abstained.

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LAKE VALE ESTATES ASSOCIATION, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection of stable for property owners use, Parcel A, Sec. 1, Lake Vale Estates, Parcel B, Section 2, Parcel C, Sec. 3, Outlot A, Sec. 2, Providence District (RE 0.5)

Mr. Broyhill said the application is in accordance with their overall development plans. They already have the charter and this is similar to the community association for which this Board already granted a permit. All subdivision plans have been submitted showing this portion of the common land to be used for location of stables. They are proposing five stalls to begin with because they do not know yet how many people will want a stable. There are 284 homes proposed for the subdivision.

Mrs. Henderson recalled that the stables had been talked of at the time the permit was granted for the bath house and pool facilities. The request is a logical one and she suggested giving a permit for 10 stalls and they could be built as the need arises.

Mr. Carey, property owner in Lake Vale Estates, stated that at present about 50 property owners have moved in and of the 50 they have found only 5 who are interested in a horse stable at this time. The arrangement at this time is that the people who are interested in having horses would pay the cost of building the stable and maintenance expenses. The barn which they have in mind is a plan issued by the Department of Agriculture, showing a tack room the same size as one of the stalls, or the other idea which they have is to extend the depth 4 ft. so each stall would have an area in the rear for feed and tack. Stalls will be 12 ft. by 12 ft.

No opposition.

The preliminary site plan showed a stable with 23 stalls, Mr. Smith noted. This should be the maximum number granted now in accordance with the site plan. He moved to approve the application of LAKE VALE ESTATES ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of stable for property owners use, Parcel A, Sec. 1, Lake Vale Estates, Parcel B, Sec. 2, Parcel C, Sec. 3 and Outlot A, Sec. 2, Providence District in conformity with original subdivision plat presented in 1965 showing barn or stable with 23 stalls. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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Representative of OLD FRONTIER TOWN INC. was not present when the case was called. Mr. Smith moved to defer to April 25. Seconded, Mr. Yeatman. Carried unanimously.

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April 18, 1967

DEFERRED CASES:

The application of BILLY W. RILEY, application under Sec. 30-6.6 of the Ordinance, to permit existing building to be converted into offices closer to street and side property lines than allowed, property at 2941 Eskridge Rd., Falls Church District was deferred to April 25 because the applicant could not appear on April 18. Motion by Mr. Smith; seconded, Mr. Barnes; carried unanimously.

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The application of DR. RONALD A. AFTER, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 14'2" from side property line, Lot 437, Sec. 4, Lake Barcroft (6418 Cross Woods Dr.), Mason District was withdrawn as the applicant found that he could set his house on the lot without a variance.

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ANTHONY CERMELE, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection of addition to school, pre-school thru 3rd grade, ages 3 thru 8 (6349 Lincolnia Rd.), Mason District (RE 0.5)

(Deferred from March 28 for new plats.)

Mr. Smith had to leave the meeting.

Mr. Cermele presented new certified plats showing 27 parking spaces, and stated that with this addition the saturation point had been reached for this property. This addition will give two more classrooms but the number of students will not be increased. They are working on a double shift now -- one in the morning and one in the afternoon. With the proposed addition, 36 children would be attending from 9 a.m. to 2 p.m.; these will be first through third graders. There would never be more than 160 children on the premises at any one time.

Mr. Yeatman moved that the application of ANTHONY CERMELE, application under Sec. 30-7.2.6.1.3 of the Ordinance, be approved to permit erection of addition to school, pre-school thru 3 rd grade, ages 3 thru 8, (6349 Lincolnia Road), Mason District, for a maximum of 160 students on the premises at any one time. Approved according to plats submitted, dated February 1, 1967, by Merlin F. McLaughlin, with 27 parking spaces shown on the premises. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried 4-0.

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The application of WALT ROBBINS, INC., application under Section 30-6.6 of the Ordinance, to permit erection of office building 10 ft. from property line, NW corner of Arlington Blvd. and Javier Rd., Falls Church District was withdrawn as the applicant had been able to acquire additional land and the variance was no longer needed.

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Mr. Hazel represented the Mobil Oil Company (Annandale and Dashiell Roads) requesting an extension of one year due to flood plain problems.
Mr. Yeatman moved to grant an extension of one year. Seconded, Mr. Baker. Carried 4-0.

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Mr. Hazel represented the American Institutional Developers convalescent home on Sleepy Hollow Road requesting an extension due to financing problems. Their problems are now resolved and they are ready to proceed.

Mr. Baker moved to extend to May 10, 1968. Seconded, Mr. Yeatman. Carried 4-0.

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The Dunn Loring Volunteer Fire Department, Inc. requested an extension to allow them to obtain money for their building program. They hope to have the building completed within one year.

Mr. Barnes moved to give a one year's extension. Seconded, Mr. Baker. Carried unanimously.

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Mr. Robert Will, President of the Somerset-Olde Creek Recreation Club, requested suspension of one requirement imposed by the BZA in granting their permit of February 15, 1966 -- the erection of a fence beginning at the perimeter of the pool facility running along the parking lot to the corner and down the property line to the point where the Park Authority property begins. He said they would carefully watch the area to see if

April 18, 1967

SOMERSET-OLDE CREEK RECREATION CLUB - Ctd.

there is a problem of people cutting through residential property to get to the pool and if the fence is needed, they would put it up. Their members are aware that the rules and regulations of the Club would allow suspension from the Club of anyone seen cutting through any of the lots to get to the pool.

Mr. Baker moved that the request be granted for a period of one year -- review one year from now. Seconded, Mr. Yeatman. Carried 4-0.

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The Board adopted the following policy with regard to servicing in a C-N or C-D zone -- That no motor or device with a motor larger than 25 horsepower may be serviced in a C-N or C-D zone. Motion by Mr. Yeatman. Seconded, Mr. Barnes. Carried 4-0.

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The meeting adjourned at 1:15 PM
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

May 16, 1967 Date

April 25, 1967

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 25, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L.J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

DITTMAR CO., INC., application under Section 30-6.6 of the Ordinance, to permit carport to remain 10.7 ft. from side property line, Lot 51, Hideaway Park, (2876 Glenvale Rd.), Providence District (R-17 cluster)

Mr. duFief, representing the applicant, stated that they are requesting a variance of 3/10 foot on a carport with a shed in the rear of it. There are 58 homes in the entire subdivision; they are all finished and this is the only error. The house was laid out to allow for the carport and shed and the error was caused probably due to the angle of the lot line.

No opposition.

Mr. Smith moved that the application of Dittmar, Co., Inc., application under Sec. 30-6.6 of the Ordinance, to permit carport to remain 10.7 ft. from side property line, Lot 51, Hideaway Park, (2876 Glenvale Rd.) Providence District be approved as applied for, in accordance with the error clause of the variance section of the Ordinance. All other provisions of the Ordinance must be met. Seconded, Mr. Baker. Carried unanimously.

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LUCILLE REUTIMAN, application under Sec. 30-7.2.8.1.1 of the Ordinance, to permit renewal of use permit for operation of dog kennel, north side of 29-211, approximately 900 ft. west of Rt. 608 (12436 Lee Highway), Centreville District (RE-1)

Mr. Woodson reported that the application had first been approved six years ago and during the entire operation there had never been any complaints registered with the Zoning Office.

Mr. Reutiman said they have about 40 toy poodles; they would never have more than 50 at a time. He also has three afghans which he is keeping temporarily for his daughter. They do not board other dogs.

No opposition.

Mr. Smith moved that the application of Lucille Reutiman, application under Section 30-7.2.8.1.1 of the Ordinance, to permit renewal of use permit for operation of dog kennel, north side of 29-211, approximately 900 ft. west of Rt. 608 (12436 Lee Highway), Centreville District, be approved for a maximum number of 50 toy poodles and not more than 5 dogs of any other breed. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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JERRY UPHAM, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 14.3 ft. from side property line, Lot 44, Blk. 5, McHenry Hts. (8620 McHenry St.), Providence District (RE-1)

Mr. Lindsay of Steelcrest Homes represented the applicant, the owner of the house. Steelcrest Homes built the house, Mr. Lindsay explained, but he did not know how the error occurred since he was not employed by the company in his present capacity at that time. The man who was then in charge is no longer with the company.

Mr. Yeatman suggested buying a piece of land off of Lot 45, but Mr. Lindsay said he did not believe this would be possible.

Mr. Smith pointed out that this was the second such incident in recent months on the part of Steelcrest Homes, an out of state company selling packaged homes in Fairfax County. There was plenty of room on this lot for the house, it is a level lot and there should have been no problem.

Mr. Lindsay stated that he has been very careful since being in his present position with the company -- he has had no problems and does not intend to have any. Everything is carefully checked before putting the house on the lot.

No opposition.

April 25, 1967

JERRY UPHAM - Ctd.

Mr. Yeatman moved that the application of Jerry Upham, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 14.3 ft. from side property line, Lot 44, Block 5, McHenry Heights, (8620 McHenry St.), Providence District, be denied; that Steelcrest Homes be allowed six months in which to correct the situation and bring it into conformity; that Steelcrest Homes not be allowed to erect any additional homes in Fairfax County until this is cleared up since this is their second error that has been brought to the Board's attention out of the six homes they have built in the County. Seconded, Mr. Smith. Carried unanimously.

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PENNSBURY OF WASHINGTON CO., A PARTNERSHIP, application under Sec. 30-7.2.2.1.6 and 30-7.2.2.2 of the Ordinance, to permit construction of a temporary (lift) pumping station to handle sanitary waste from apartment houses now under construction in Sec. 3, Cardinal Forest and the operation thereof until such time as construction of the Accotink Sanitary Trunk Sewer is completed by Fairfax County, all of Sec. 3, Cardinal Forest on Carrleigh Parkway, Mason District (RPC)

Neither the applicant nor his representative were present.

Mrs. Henderson noted a letter from the applicant's attorney requesting deferral because the notifications had not been sent out. (Signed by Henry S. Clay, Jr.)

Mr. Pammell of the Planning Staff reported that the application had been scheduled for Planning Commission hearing on April 24, 1967 and after much work had been done on the part of the staff, proper advertising and posting had been carried out, no one appeared before the Commission last night to represent the applicant, causing a great inconvenience to the Planning Commission. The Staff and Commission consider that the applicant's course of action was one of indifference; they were well notified in advance of the scheduled hearing and it is the Staff's and Commission's feelings now that the entire burden of all required posting, readvertising and perhaps refiling of the application should all be put upon the applicant. All phases of the County operation have been inconvenienced by the failure of the applicant to proceed. Everyone has been inconvenienced, including citizens who might be present to speak on the application.

Mr. Beckner, Administrative Assistant of the Planning Commission, read the following memo which he had prepared for the Board:

"On April 24, 1967 the application of Pennsbury of Washington was called to public hearing. At that time there was no one present to appear for the applicant to present to the Commission the details of the proposed temporary (lift) pumping station. The matter was passed over until more details could be found relative to the application. At the later point in the Commission agenda, it was found that a memorandum dated March 28, 1967 to Mr. Woodson, Zoning Administrator, informed the Staff that the application described above had been removed from the Board of Zoning Appeals Agenda and further than appropriate arrangements by the Staff should be made when a definite date of hearing before the Commission was set. Further, on April 7, 1967, a letter addressed to Mr. Henry S. Clay, attorney for the applicant, was sent as notice of hearing at 8:15 p.m. on April 24, 1967. Neither Mr. Clay nor any other representative of the applicant appeared before the Planning Commission during the entire agenda.

Without a representative to give the details of the application and without proper information normally furnished by the Staff, the Commission felt that it would not be appropriate to hold a public hearing. Further, that it was somewhat of an inconvenience to the Commission having set an item on the Agenda and after proper notice to the applicant, that there was no one present to speak to the application nor was there any notice or reason given why the applicant did not appear.

In conclusion with the above, the Commission would suggest to the Board of Zoning Appeals that before this proposal could be put into operation it will have to be heard by the Commission under Section 15.1-456 of the Code and that possibly before the Board of Zoning Appeals could act on the appropriate sections of the Zoning Ordinance (Chapter 30) that it would be necessary for the Commission to act under the general planning legislation cited above, as a matter of policy. If I can be of further assistance, please do not hesitate to ask."

In view of the facts presented by representatives of the Planning Commission and other staff members, and the fact that there is no one present today, Mr. Smith moved that the application be withdrawn from the agenda of the Board of Zoning Appeals, and that the applicant be informed that he will have to refile if he desires to pursue this

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PENNSBURY OF WASHINGTON - Ctd.

application, and a new hearing date will have to be set. Seconded, Mr. Yeatman.

Mr. Bodine from the audience asked to be informed more about the application, and was told that no one seems to know very much about what the applicant plans; nothing has been presented to the Staff about it.

Mr. Beckner told the Board that the Planning Commission would not be able to schedule it for another hearing until the latter part of June.

Mr. Bodine said he wished to be present for the hearing, and if it is scheduled after that time, it would suit him, because he will be back from Africa by that time.

Motion carried unanimously.

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THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a Montessori School, maximum children 150, ages 3 to 6 and 6 to 9 years old; hours of operation 9:00 a.m. to 3:00 p.m., Lot 93B, Braddock Hills Subdivision, at end of Pacific Lane, Mason District (RE 0.5)

Mr. Robert S. Perkins, representing the school, stated that this was the same organization that had had a permit granted last year for the school on Hollywood Road but there were drainage problems there, so they found a new location. The school has been operating under the statutes of the Commonwealth of Virginia as a non-profit corporation since 1962. Presently they have 106 children enrolled in the school which is held in the six rooms they are renting at the Shrevewood Elementary School. The contract on the site under discussion today is contingent upon obtaining a use permit for the school. Four classes out of five would consist of children ages 3 through 6 who are only in school for three hours a day. The remaining children would stay six hours a day. If the hours 9 a.m. to 3 p.m. create any problems in the neighborhood, they would be happy to adjust them to any six hour schedule so as not to conflict with traffic, etc. The tract under consideration contains a little more than three acres.

Mr. Smith asked when would the street be finished.

Mr. Perkins replied that it would be completed sometime this summer and they would like to have construction of their building coincide with it. Water and sewer would be available to the school.

Mr. Smith asked Mr. Perkins if he was aware of the road that is planned which would take off about 80 ft. of the school property. Mr. Perkins replied that he was.

There are 11 parking spaces planned for the school, Mr. Perkins continued, to take care of the staff members and five additional cars. The children would be transported to and from the school by car pools. The building which they propose is approximately 80 ft. by 90 ft.

The Board discussed the air conditioning and heating units. The mechanical engineer for the school explained that there would be nothing on the roof of a mechanical nature. Their air conditioning units will be located in the back of the school. The building will contain five classrooms, administrative space, will be of brick exterior with wood trim, and a flat topped building, in accordance with the County Code. The site plan has been prepared and there are no drainage problems at this time.

Mr. Smith wondered if it would be possible to have the road constructed off Duke Street prior to opening the school.

Mr. Perkins said it would be possible, if and when Montgomery Street goes through.

The property now under discussion will be asked to dedicate a certain portion of property for road purposes, Mr. Smith stated. He asked if there was any indication as to whether any land has been dedicated beyond that in either direction.

Mr. Knowlton replied -- no, not on either side. Pacific is the only access.

The 80 ft. which was mentioned will represent a substantial development problem, Mr. Perkins pointed out, due to the fall off in this area. There is quite a drop from the end of Pacific in that area. The school would like to have the additional road and if Montgomery Street goes through they will take advantage of it.

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MONTESSORI SCHOOL OF NORTHERN VIRGINIA - Ctd.

Opposition:

Mr. Stephen G. Creeden represented citizens of the Hillbrook area and presented an opposing petition signed by approximately 36 families, reasons for opposition given were hazardous traffic conditions which would be created by the school; school would be out of keeping with the character of the residential neighborhood; location of proposed structure and its use would hinder development of adjoining land and impair values of property in the area; proposed use is not in harmony with the interests of the Annandale Master Plan -- the primary objection being that the citizens feel that it is not in harmony with the residential character of the neighborhood. The Hillbrook Subdivision is one of the nicer subdivisions in this area; it is an old subdivision, one of the first, and was very nicely laid out, with very high priced homes. The citizens do not feel that this is the place for such a school, particularly in view of the hours of school operation and the number of students. The citizens are concerned about what would happen with this large building should the school not be successful. They are concerned about what effect the location of this building will have upon future development in the subdivision. The area is not fully developed, there is a large part yet to be subdivided. The citizens are also concerned about the noise factor.

Mrs. Henderson asked if the Poe School in this neighborhood, which is larger than the school proposed, destroys the residential character of the neighborhood.

This is a different situation, Mr. Creeden answered.

Mr. Smith asked to have proof shown to him that property values would decrease were the school allowed. He said that over the years he has tried to find someone with definite proof that private schools properly constructed and properly operated would adversely affect adjoining property values, but had found no such proof. As to the school locating in some other area, he asked what area Mr. Creeden would recommend?

Perhaps over in Annandale Terrace near the proposed loop road, Mr. Creeden suggested. As to property values being decreased by the school, Mr. Creeden said he was not prepared to scientifically prove this, but in no circumstances would it help the value of the properties because of the nature of the community. It is a residential community, which has been exclusively residential, and should remain that way. He also said he did not believe that the Poe School had any bearing on the situation, as this school was designed and placed in such a way that their community was built around it. This is just not the best place for the Montessori School, he said, and suggested that the Board members might benefit by taking a look at the area. If this were a situation where they were going to build a strictly residential house and use it temporarily as a school, it might be a different thing.

Mr. Yeatman felt that the proposed school had the outer appearance of a commercial building and did not blend in with the subdivision.

Mr. Smith asked if the residents would still be opposed if the design of the building were changed, and added that if the permit is approved, no other use than the school would ever be made of the building.

If the school is going in, there should be a change in design, Mr. Creeden agreed, but still they are going to end up with a very sizable building. He felt that the school would be in a better location if they found land closer to a main road; it does not seem that the school should be tucked away back in this subdivision.

Mr. McAdams, living in the Hillbrook area, said he was familiar with the development almost from its conception. His feelings were somewhat mixed, he said. He is familiar with the work of the school and said he hated to discourage them in any way, and sincerely believed that these are the kind of things that Fairfax County needs more of. However, he continued, he has some very serious negative reactions to the location -- he was not sure that three acres would be enough land for the 150 children. The Poe School which was mentioned contains about 22 acres and was built before the subdivision was developed. It offers something besides education to the area by allowing recreational opportunities in the subdivision. This is not the area for a private school to locate in. The area is 100% residential. The lot itself provides a very unique position in between Braddock Hills Subdivision and the Hillbrook-Tall Oaks Subdivisions, which run together right there. Braddock Hills Subdivision was laid out about 25 years ago and at that time the plans did not require the developers to run the streets to the end of the property line. However, he felt that someday, long range planning would require connection of the streets in the area.

Lot 93B is the one lot in either subdivision that fronts on both Montgomery Street and Pacific Lane tying into Dodson Drive, Mr. McAdams continued. If a builder were to develop this lot for housing which is the natural development for the site, and extend Pacific Lane, it would be extended right into Montgomery Street. At the time the planners approved construction of Pacific Lane, they contemplated and designed it with a small turn so it would eventually come into Montgomery Street if this was ever developed through the Subdivision Ordinance. This school does not come under that control and there would be no dedicated or constructed street through Lot 93B connecting these two streets. If there were a connection there, the children could walk to Poe School rather than being bused as they are now. This is demonstrative of the need for an interconnection, to say nothing of the convenience to the residents of both streets. As it is now these two subdivisions have their backs to each other without any relationship except to come to a hearing like this.

Mrs. Henderson asked Mr. McAdams if he knew of any reason why this particular piece of land was left undeveloped.

Mr. McAdams said he was quite sure that the land could be sewered and served by water and gas and he was pretty sure that builders had attempted to acquire the land. He was also sure that there would be no storm drainage problems on the property.

Mr. Yeatman asked if Mr. McAdams had constructed the homes adjoining this property.

On this particular street, Mr. McAdams said, Section 7, he sold the land to a builder and he developed it, leaving the street uncompleted and two of the houses uncompleted.

Mr. Ed Shermer, President of the Hillbrook Citizens Association, said the Executive Committee of the Association had a meeting last week at which time Mr. Perkins spoke regarding their proposal. The Executive Committee by unanimous decision would like to go on record as being opposed to the school. Mr. Shermer also called attention to the fact that the Hillbrook Association has basically in times past cooperated very much with Zoning, Planning, particularly the Annandale Master Plan in 1964, and other recommendations wherever they had valid reasoning behind them. He did not think that public schools should be compared with private schools for the area -- these are public buildings designed for public use, he said, and they serve that purpose. A community needs such things as fire stations, pumping stations, police stations, all kinds of public utility buildings to serve their purposes. The site proposed for the school is right in the middle of a residential area. The citizens are not against schools of this nature, they are needed, but they feel that this is not the proper location.

Since apparently public facilities are acceptable in residential areas, Mrs. Henderson asked, did Mr. Shermer think the citizens would approve of a fire station on this land?

The issue is not whether a fire station be proposed for this parcel of land, Mr. Shermer replied, the question is about the Montessori School.

If the public school in the area is not detrimental to property values, what is the logic behind the reasoning that a private school would be detrimental, Mrs. Henderson asked? Apparently the Poe School is not detrimental so why should this school be?

Mr. Shermer stated that he was not a real estate agent so it was not up to him to tell these people where they could purchase land, but the citizens feel that they moved into the area because it was residential and because they had something different. They are asking the Board to protect what they have.

Why would this type of school be more detrimental than another type, Mr. Baker asked?

Mr. Shermer replied that he did not say that it would be. He did not sign the petition which was presented against the school. The Poe School is a different situation. It was there when they moved into the area. As far as taking away from the community, it does not, but he did not think the two schools were equal for comparative purposes.

Mr. Yeatman commented that he did not think there would be any argument about the proposed school if Pacific Lane were cut through to Montgomery Street.

Mrs. Henderson said there would not be enough land left for the school if this were done.

Mr. Shermer said the citizens are also very concerned about the proposed architecture of the school.

Why should Hillbrook, Braddock Hills or any other area of the County be singled out as one where there will be no private schools, Mr. Smith asked? The Ordinance permits private schools in all residential areas. There are approximately 100 private schools in the County and to his knowledge not more than two of these are on land zoned other than residential.

Mrs. Henderson stated that a great number of these private schools are in areas where the people want them. There is a difference when a group wants the school in an area where most of the pupils will be coming from.

Mr. W. W. Warburton, adjoining property owner, stated that if the use permit is granted, the playground would be next to his bedroom window. They would object to the noise and the traffic that would emminate from the school and he felt that the school's presence would make it difficult for him to sell his home. He moved into the area and was assured that it would remain residential and he would not have bought his home if the school had been there. If the school is approved, he will put his home up for sale.

Mr. R. E. Grimm, 6833 Pacific Lane, asked where the children would be coming from? 150 youngsters at five children per car would mean 30 cars coming in in the morning and 30 leaving at night. There are no sidewalks in the area and their children must walk on the edge of the road to get to their bus stops. The school traffic he felt would be an additional hazard to their children. He asked what would happen to the school building if the school should not be a success?

Mrs. Henderson explained that the Montessori system is such a special system of teaching the children that it is probably more apt to succeed than an ordinary school.

Mr. John Hughes, adjoining property owner, stated that he had lived in New York adjoining a private school and did not experience any unusual problems because there was no traffic to and from the school down his street. The traffic is their major concern in the issue before the Board. There would probably be 100 cars per day coming and going from this school and there are a lot of small children in the area. The citizens in the area feel very strongly about the safety of their children. In this situation, he did not want to see the beautiful dogwood trees removed from the property and replaced by a parking area.

If Pacific Lane were cut through and the school were built to look like a house, would you still have a strong objection, Mr. Yeatman asked?

Mr. Hughes said there would still be traffic problems and perhaps the connection would increase the problems.

Mrs. Elaine Hamm, Lot 93A, Braddock Hills, stated that they purchased Lot 93A containing about two acres, leaving Lot 93B proposed for three homes. This was the understanding given them by the man who sold them the property. They were also told that a road would go through Lot 93-B from Montgomery Street. She described a drainage problem existing on the property and said she objected for this reason as well as to increased traffic hazards which would be created by the school.

Mrs. Esther Densey, mother of three children, stated that she felt 150 children on a three acre tract was not in keeping with the character of the area and she was opposed to the school in this location.

Mr. Creeden stated that Mr. McAdams had left the meeting but had asked him to point out that the Lincoln Elementary School was not operating at full capacity and perhaps the Montessori School could locate their quarters there.

Mr. Perkins again stated that they would do all within their power to change the design of the school, the fencing, hours of operation, with exception that they are not in a position to finance the extension of Pacific Lane through at this time. He did not think that the school would depreciate property values or adversely affect the character of the area, possibly it would enhance the community. If at a later date, Montgomery Street comes through, the school would be more than happy to enter through that street. He stated that he did not think anyone could find a group of parents more concerned about children's safety than the group represented by their school. This is a non-profit school, parents work for the corporation. They recognize the traffic problems. They have a car pool system now bringing in 107 children

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in a 10 minute period. They are very well organized and this is a system they would put into effect in this location in the initial operation of the school, if the permit is granted. There is a very good reason why this property has not been developed -- the cost is prohibitive to residential development there at this time. The County has probably not considered extending Pacific Lane through because of the cost involved in filling this particular piece of land. The school would propose to use a very small portion of the land and there are no intentions to use the building for anything other than school purposes, six hours a day, five days a week. There would be no evening meetings.

The engineer for the school stated that they had had drainage engineering work prepared by a certified surveyor, but they have not yet submitted it to Streets and Drainage.

Mr. Yeatman moved that the application of Montessori School of Northern Virginia be denied. There was no second.

This is a rather difficult case, Mr. Smith said. These citizens are doing an excellent job in the area of schooling. The only thing which concerned him about the application was the traffic problems, he said, it does increase the traffic, but anywhere a public or private school is placed, the traffic is increased. This is a recent subdivision, laid out in compliance with the County ordinances and certainly designed to take care of traffic flow. The only way he would support the application, Mr. Smith continued, would be to adjust the hours of operation to allow the public school youngsters to be out of the area before the private school youngsters come in and go out. Also, he felt that the building should be constructed in such a manner as to be harmonious with the residential development -- no flat type roof -- and no mechanical devices should be placed on top of the building. If for some reason this school should fail, the permit would be to this group only, no other use could be made of the building without another use permit. It should also be understood that this would not be allowed to exceed 150 students for this particular school.

Mr. Smith moved that the application of The Montessori School of Northern Virginia, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of Montessori School, maximum children 150, ages 3 to 6 and 6 to 9 years old, Lot 93B, Braddock Hills Subdivision, at end of Pacific Lane, Mason District, be approved for a two session day, from 9:15 a.m. until 12:15 p.m. with the remaining students to remain on the school property until after all the public school buses have left the area so as not to conflict with the public school bus traffic; granted for school purposes only, no meetings of students or parents after normal school hours; that the building be constructed in conformity with plat submitted except that the roof be a pitch type roof effect; outer walls of brick construction; total number of students on the premises at any one time 150; and it is understood that the permit is granted to the applicant only and that there will be no applications granted in the future for any additional students on this particular parcel of land because the Board feels this is the maximum number that should be allowed to utilize this school under present conditions; that the cooling and heating units for the school be enclosed in such a manner so that there will be no noise, odor, fumes, etc. to disturb the neighborhood residents, this also includes the burning of paper, trash or debris. All other provisions of the Ordinance must be met. There must be site plan approval prior to construction. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson and Mr. Yeatman voting against the motion. (Reasons for "no" vote on record.)

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The Board adjourned for lunch until 2:30.

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CIVIC ASSOCIATION HOLLIN HILLS, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two community tennis courts on 1 ac. of land, west side of Ft. Hunt Rd. approx. 500 ft. south of Paul Spring Road, Mt. Vernon District (R-17)

Mr. Robert W. Citron represented the applicants.

Mrs. Henderson asked if this request were the same one that was granted in October 1965.

There is one change, Mr. Citron replied, which was necessitated by the flood plain condition on the property. This was one of the reasons the permit elapsed, there were a great many problems to be worked out with Public Works. Now instead of putting the two courts side by side, they show them end to end in order to keep out of the flood plain area. There is also additional parking shown adjoining the swimming pool. At present they have 78 spaces and propose 36 additional to take care of the tennis courts.

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CIVIC ASSOCIATION HOLLIN HILLS - Ctd.

Mr. Citron said they propose to erect a chain link fence around the tennis courts, a small corner of which would be located within the flood plain area. The two existing tennis courts are already fenced.

Mrs. Henderson pointed out that the highest fence allowed by the Ordinance is 7 ft. and there has been a question raised regarding a 12 ft. fence around a tennis court in Fairfax County. The Board should establish a policy on fences for tennis courts or there will have to be an amendment to the Ordinance.

The present fence which was constructed in 1955 is 12 ft. high, Mr. Citron said.

Mr. Smith stated that this is for recreational purposes and without the variance to allow height of 12 ft. the facility would be rendered useless.

No opposition.

Mr. Smith moved that the Board act on the variance on the height of the fence along with the application before the Board; that the application of Civic Association Hollin Hills, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two community tennis courts on 1 ac. of land, west side of Ft. Hunt Road, approximately 500 ft. south of Paul Spring Road, Mt. Vernon District, be approved as applied for, in conformity with preliminary site plan submitted; that the applicant be granted a variance to erect a fence surrounding the tennis courts, a maximum of 12 ft. in height. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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HARRY F. HOLSINGER, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to existing dwelling 45 ft. from street property line, Lot 46, First Addn. to Holmes Run Heights (3501 Epsilon Pl.), Falls Church District (RE 0.5)

Mr. Holsinger stated that he wished to erect an addition on the east side of his home and this necessitates a 5 ft. variance on the front. The land slopes off to the right and if the addition is put on that side, access would be very difficult. The house is about 15 years old; he has lived there approximately 1 1/2 years. There is a drainage problem on the other side of the house and in the back. The proposed addition would contain two bedrooms and one bathroom and if the size of it is cut down he would end up with long, narrow rooms. The shed built onto the house will be removed. The present house is 30 ft. by 24 ft. with two bedrooms and one bath. He would eliminate one bedroom and put the dining room where it is now. They have four children and they bought with the intent of adding onto the home. The neighbors have no objections to the proposed addition.

Since there is no carport or garage now on the property, Mr. Smith advised Mr. Holsinger that should he intend to build one at a later date, he should work within the framework of the Ordinance as he would not be allowed another variance on the property.

No opposition.

Mr. Yeatman moved that the application of Harry F. Holsinger, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing dwelling 45 ft. from street property line, Lot 46, 1st Addn. to Holmes Run Hts. (3501 Epsilon Place), Falls Church District, be approved due to the irregular shape of the lot and because of topography - approved in accordance with plat submitted. All other provisions of the Ordinance must be met. Seconded, Mr. Baker. Carried unanimously.

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HUMBLE OIL & REFINING CO., application under Section 30-6.6 of the Ordinance, to permit erection of service station 17 ft. from side property line, south side of Rt. 7 opposite Patterson Rd., Dranesville District (C-N)

Mr. Hansbarger said the Board had already granted a permit for a station in this location but they would like to have three bays rather than two. The property to the east is in the Commercial Plan; property to the west has already been zoned C-N. In March when the variance was granted for the service station they did not realize that a three bay station would not fit on the property with the variance that was granted.

Mrs. Henderson suggested moving the building location but Mr. Hansbarger said this would place the entrances to the bays in front of the gas pumps and this would result in a dangerous traffic situation.

HUMBLE OIL & REFINING CO. - Ctd.

This property was rezoned by the Board of Supervisors for the express purpose of a gasoline station, Mr. Hansbarger continued, and the Board of Zoning Appeals granted a use permit for a gasoline station on the C-N property adjoining, but Mobile has decided not to locate there. The proposed Humble Station will be a ranch type station.

No opposition.

Mr. Smith moved that the application of Humble Oil & Refining Co., application under Sec. 30-6.6 of the Ordinance, to permit erection of service station 17 ft. from side property line, south side of Route 7 opposite Patterson Road, Dranesville District be approved and that this be made part of the original granting of use permit for that particular station granted March 14, 1967. Variance allowed at that time was 29 ft. Reasons are the same -- adjoining property is included in the Plan for Commercial Use and this will eventually allow the applicant to construct an additional bay on that side if desired after the rezoning has taken place. All other provisions of the original granting and the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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MILLER AND SMITH, INC., application under Section 30-6.6 of the Ordinance, to permit erection of gazebo 1 ft. of street property lines, on Mt. Vernon Highway at intersection of Cunningham and Wessynton Streets, Wessynton Subdivision, Mt. Vernon District (RE 0.5 cluster)

Mr. John T. Hazel, Jr., represented the applicant. The two gazebos which are subject of the application will be six sided, slatted affairs, open roof with a spire on top, and will be placed at each of the two entrance streets to the subdivision. There will be a 50 ft. strip of land retained along Mount Vernon Highway, and in addition, the Board of Supervisors have waived the requirement for construction of a service road from Wessynton Way down to the Mount Vernon Ladies Association property. They did ask that the land be dedicated for widening of the highway. On the north, they waived the service road, but asked that an agreement be entered into,which has been done for the construction of that piece of road should the adjoining property be developed during the next ten years. This is a wooded tract and the area dedicated for the service road is also wooded. There is 48 ft. from the highway line to the property line which is in the highway dedication but in which nothing is to be built that they can see now. In addition, the gazebos will be located 20 ft. from the true property line, or 68 ft. from the edge of the highway pavement. The two gazebos will be connected by a split rail fence to tie in with the rustic motif, and will be located on community association owned and maintained land. Mr. Hazel suggested that should the Board see fit to grant the permit, that it be granted with the understanding that should a service road be constructed or should the area be used for widening of Mt. Vernon Highway, the permit should be subject to review at that time, in the event that actual construction should create some sight distance problem. Mr. Koontz, representing the Mount Vernon Ladies Association, indicated that they had no objections to the application, Mr. Hazel continued. There are 130 houses in the subdivision, ranging from approximately $45,000 to $51,000. There would be no subdivision signs connected with the gazebos, they would be for ornamental purposes only.

No opposition.

Mr. Smith moved that the application of Miller & Smith, Inc., application under Sec. 30-6.6 of the Ordinance, to permit erection of gazebos, be granted in conformity with plat submitted, Wessynton Subdivision, Mt. Vernon District, for ornamental and decorative purposes. It is understood that in granting the variance to allow construction of the gazebos that the applicant agrees that at such time as the widening of Mt. Vernon Highway, Cunningham or Wessynton Streets, these structures at that time if they present any sight distance problems would be reviewed by the Board of Zoning Appeals, and the Board would act in accordance with sight distance standards prescribed by the State and National Highway system. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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GOVERNMENT EMPLOYEES INSURANCE CO., application under Sec. 30-6.6 of the Ordinance, to permit office building under construction to remain 48.2 ft. from Washington Ave. (6885 Leesburg Pike), Mason District(COL)

Mr. R. F. Griffee represented the applicant.

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GOVERNMENT EMPLOYEES INSURANCE CO. - Ctd.

Mr. Griffee stated that the architect drew the site plan holding 50 ft. from the Tuck boundary line, with 53 1/2 ft. from Washington Street, however, due to the shape of the property, they must plead an error of omission for not showing the distance at the front corner. The building is a one-story building, approximately $75,000 in value. They got their construction this far without realizing they were in violation on the front corner. This does not interfere with sight distance nor any of the operational facilities of the building.

There was no opposition.

Mr. Yeatman moved that the application of Government Employees Insurance Company, application under Section 30-6.6 of the Ordinance, to permit office building under construction to remain 48.2 ft. from Washington Avenue (5885 Leesburg Pike) Mason District, be approved as applied for under the error clause of the variance section of the Ordinance; all other provisions of the Ordinance must be met. This amounts to a 1.8 ft. variance for a distance of 25 ft. Seconded, Mr. Barnes. The applicant shall submit plats for the record showing the part of the building that is in error. Carried unanimously.

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DEFERRED CASES

WILLIAM PAGE - Deferred from April 18 for copy of Staff report showing adjoining property proposed eventually for a commercial zoning.

Mr. Roy Spence presented a copy of the Staff report given at the time of rezoning of the subject property.

Mr. Smith commented that he felt the application had merit but the thing that bothered him was that all the narrow lots in there are going to have similar problems. The Staff should give some thought to this area and come up with a comprehensive plan to guide this Board and others who are trying to abide by adopted plans. The use is a good one, it is compatible, but Mr. Smith said he was concerned about placing the building on the property line. He felt that some area should be left for screening if it is necessary. He was willing to grant the variance for the full use of the property but said he would like to see the building set off the property line a few feet.

If there are no windows on that side of the building, this would fulfill the requirements of the screening Ordinance, Mr. Knowlton stated. It would be the same as a wall -- it has to be brick faced.

In the application of William Page, application under Section 30-6.6 of the Ordinance, to permit erection of new car preparation center and permit building closer to side property and rear property lines, Mr. Smith moved that the only variance granted would be from the side property line, and that the applicant be allowed to build within 12" (twelve inches) of the side property line, the side closest to the R-10 zoning. This is located on the east side of Annandale Road approximately 600 ft. north of its intersection with Route 50, Falls Church District, and the recent rezoning of this property was for this purpose. That the screening on the side adjoining the residential area not be waived unless the staff in its wisdom after conference with the planners agree that this area now residential is under consideration for commercial uses and for that reason only should screening be waived. The north side of the building shall be 1 ft. off the property line, a windowless brick faced building. Seconded, Mr. Barnes. Carried unanimously.

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OLD FRONTIER TOWN, INC. - (Deferred from April 18 because no representative was present.)

Mr. Cohen stated that the applicant would like to have a permit allowing the very same conditions under which they operated the past year.

Mrs. Bailey reported that the Zoning Office had had no complaints about the operation.

No opposition.

Mr. Smith moved that the application of Old Frontier Town, Inc. be approved exactly as granted last year; granted to the applicants only, permit to run from April 25, 1967 through October 31, 1967. All other provisions of last year's granting shall be complied with, including parking, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes Carried unanimously.

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April 25, 1967

BILLY W. RILEY - Deferred to view the property and to get an estimate on the cost of repairs needed to make the building conform to Inspections requirements.

The term "office use", Mr. Samuel Moore stated, would not mean a general office use, but rather a one man operation. There would be a dispatcher on the property to keep track of their equipment. It would be a short time basis, after the vehicles have been dispatched, there would be no need to remain in the building any longer, and this man would go out to the job sites himself. Mr. Riley would not deal with the general public in this location. To comply with County requirements would cost about $300 in repairs to the building.

After viewing the property, Mrs. Henderson said she had found the building in much better condition than she had visioned. She asked how many pieces of equipment would be kept on the property.

Mr. Riley said he has seven trucks, five of them would stay on the property over night.

Mr. Moore stated that Mr. Riley would fence the property and erect proper screening. The people in the area have no objections to this use, and wish to make industrial use of their own properties since they are included in the Merrifield Industrial Plan. Mr.Riley has agreed to dedicate 17 ft. for improving the road and to pay his pro rata share of cost of improvements.

Mr. Smith moved that the application of Billy W. Riley be approved for a period of two years with review at that time, or a period less than two years if the applicant desires to construct a new permanent type building for these purposes on the premises; variances are granted because adjoining residential property is included in the Industrial Plan. Before an occupancy permit is issued, there should be a letter from the Health Department presented to the Zoning Administrator indicating approval of the water supply and sanitary system for the property and all deficiencies noted in the Building Inspector's recommendations must be corrected. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed the lagoon which was designed to serve 100 families in the Windsor Estates and Springfield Forest areas.

Mr. Yeatman moved that the Board grant Mr. Liedl permission to grant sewer connections as he sees fit, for up to 20 new homes in the area, reserving 80 connections for existing construction within any area this lagoon is to serve. Seconded, Mr. Barnes. Carried unanimously.

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The Zoning Administrator will look into a complaint regarding the Leary School, from Miss Nammany.

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Mr. Whytock asked that Freedom Park Swimming Pool be allowed to continue their present operation in its existing form until they have rebuilt their bath house facilities.

Mr. Smith moved that the Freedom Park Swimming Pool be allowed to continue their present operation in its existing form unless there is disapproval from the Health Department or other County agencies, until such time as they come in for a permit to rebuild their bath house facilities; extended to the end of September 1967 which will give them adequate time to present their plans; that the Pool Association be allowed to conduct an adult party on July 15 providing everyone is out by 10 p.m. and if there are no problems or complaints the Zoning Administrator may be allowed to approve three additional parties individually, with the 10 p.m. closing time. Seconded, Mr. Barnes. Carried unanimously.

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The Board will meet May 9 and 23, June 13 and 27 with a special meeting June 6; July 18 and 25; August 1; and September 12.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

May 16, 1967 date

Blank

May 9, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 9, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

ELDEN J. MERRITT, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of private school, maximum children 400, hours of operation 7 a.m. to 6 p.m., ages 2 thru 12 years old; south side of Arlington Blvd. adjacent to Hunters Branch, Providence District (RE-1)

Mr. John T. Hazel, Jr., represented the applicant. He stated that Mr. and Mrs. Merritt are presently operating a school in the City of Fairfax which they started about three years ago. The enrollment has grown during that time from 60 pupils to 150 or 175 and they are subject to very difficult space limitations on the property which they now have. This past year the Merritts acquired the 7 acre tract which is subject of this application with the thought of expanding the school to this tract. The tract is ideally suited for school purposes, having frontage on a four lane highway and buffered on one side by a park area. The school will not all be built at one time, Mr. Hazel continued. On the site plan there is an area marked "existing one story brick building" and around it on two sides the "proposed building". The existing building will be utilized next year for school purposes and will accommodate approximately 60 pupils; the next year they will get underway with construction of the building that is shown. After the building has been erected there will be no school use of the existing building -- it will be utilized for administrative and office purposes in connection with the school. The original request in the application was for 470 students; they have reduced this number to 400. The pond on the property will be filled and graded into the landscape. The proposal is to have kindergarten classes attend from 9 to 12 noon, and other than kindergarten from 7 a.m. to 6 p.m. This will be a five day a week operation, twelve months per year, and no one will live on the premises.

Mr. Smith stated that he felt the pond on the property should be drained within the next thirty days; it is a hazard.

Mrs. Henderson asked if there were a proposal to build a swimming pool on the property.

Mr. Hazel replied, "No." He added that the 6' x 6' box culvert under the highway would have to be extended.

No opposition.

Mr. Hazel stated that the children would be bussed to and from school. They have provided 26 parking spaces on the property and they feel that this is an adequate number to accommodate the first addition.

Mr. Merritt pointed out that the buses would not be parked on the property, they are taken home by the drivers. They are using eight Volkswagen buses now. There is plenty of room if they need to expand the parking facilities.

Mr. Smith moved that the application of Elden J. Merritt, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of private school, be approved as applied for, to permit a maximum of 400 children on the premises at any one time, five days a week, ages 2 thru 12 years old; south side of Arlington Boulevard adjacent to Hunters Branch, Providence District; that a total of 26 parking spaces be provided at the beginning of the operation with more provided when and if it becomes necessary; that the pond on the property be drained within 30 days from this date, or fenced; hours of operation 7 a.m. to 6 p.m.; that the service drive including culvert or bridge required for the full length of the property will be dedicated and constructed. This is a 12 month operation; no planned summer recreational activities other than those associated with school classes. Seconded, Mr. Barnes. Carried unanimously.

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ETHEL M. DENNIS, application under Sec. 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop, 11307 Lee Hwy., Providence District (RE-1)

Mr. John T. Hazel, Jr. represented Mrs. Dennis who was also present. This is the guest cottage on the property, Mr. Hazel stated, where the antique business would be conducted. Mrs. Dennis lives in the other house on the property. She would not live in the guest house, it is adjacent to her house and is an appurtenance to her property. His interpretation of the Ordinance is that the building to be used must have the same exterior

ETHEL M. DENNIS - Ctd.

appearance as a bona fide residence of the owner. If the permit is granted, Mrs. Dennis would recondition the building considerably and would put the parking adjacent to it.

Mrs. Dennis stated that she would operate the business herself, starting out slowly and eventually making it full time after she retires.

No opposition.

Mrs. Henderson suggested requiring a dedication of land for future service drive, but without the requirement that it be built at this time.

Mr. Smith felt that Mrs. Dennis' plans would be a definite improvement over what is in the area and since the use is a residential use, it would not be appropriate to require her to dedicate at this time.

Mr. Smith moved that the application of Ethel M. Dennis, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop, 11307 Lee Highway, Providence District, be approved as applied for under conditions stated by the applicant. Under a recent plan, this entire area is to be commercial and for this reason, and since this is a use that would not generate extensive traffic, the Staff should give some thought to waiving the site plan for this particular use until such time as there is possibly an application for commercial uses in the area and at that time this property would be included in the site plan. The use proposed by Mrs. Dennis will serve to improve the area. Seconded, Mr. Barnes. Carried unanimously.

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FRANCIS P. WIEGAND, application under Section 30-6.6 of the Ordinance, to permit erection of addition 10 ft. from side property line, Lot 148, Section 3, Ravensworth Grove (7812 Heritage Dr.), Falls Church District (R-12.5)

Mr. Wiegand outlined his plans for building the addition 10 ft. from the side property line, containing a garage under a porch. If the variance is not granted, he said it would require the erection of a retaining wall. He requested the variance for the following reasons -- to maintain a straight alignment of the existing driveway; to preclude the necessity of building a retaining wall sloping from 2 ft. to 7 ft. high which would create a safety hazard in the neighborhood as well as being a financial hardship; with the 2 ft. variance he would be allowed to continue the existing grading contours of his home so it would blend with the architectural lines of the overall addition. The home is located on a terrace. He cannot build in the back of the property due to topographic problems.

After offering several suggestions which might help solve Mr. Wiegand's problems, the Board felt that they might understand the situation more clearly if they viewed the property. Since there was no opposition to the application, Mr. Yeatman moved to defer to June 6 to view the property. Seconded, Mr. Barnes. Carried unanimously.

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JAMES R. AND SHIRLEY W. BOYETT, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school kindergarten and first grade; 2 sessions, 60 each; 9 a.m. to 3:30 p.m., five days a week; 5120 Twinbrook Rd. off Rt. 652, Falls Church District (RE-1)

Mr. James B. Lockwood, Jr. represented the Boyetts. Mrs. Boyett was also present. Mr. Lockwood presented two copies of plats, one showing a house location survey with the property being served by a 25 ft. outlet road. He stated that there is a deed of dedication for a new subdivision known as Kings Park West which would be to the south of this property, and in this subdivision there is a new road called Thackerey Court which would dead end at the southerly property line of the Boyett property. The subdivision is being cut out at this time. They are using a lagoon system until the sewer is available, which should be approximately one year, and they expect to have some of the houses occupied by November. The Boyetts are not thinking of continuing to use the 25 ft. outlet road for the access to the school; the operation is being tied in with Kings Park West, Section I, and the road that is being constructed up to the Boyett property. The Highway Department has told Mr. Boyett that he can connect to the road. The school would be for kindergarten and first grade and would be in operation from September through June, five days a week, with two different sessions of students; in the morning from 8:45 a.m. to 11:45 and in the afternoon from 12:30 to 3:30 with 60 pupils each session. The School would be staffed by four teachers. Both Mrs. Boyett and Mrs. Corbin have had teaching experience at the Fairfax Christian School. The proposed name of the school will be The

JAMES R. & SHIRLEY W. BOYETT - Ctd.

Kings Park Christian School, Inc. Certain changes will be required by the Building Inspector in using the present dwelling as a school. These changes will all be made in accord with County requirements. The children will be brought to the school by their parents or in car pools, and in the beginning they would have one school bus at the most. The property is served by an adequate water supply and the septic field has been satisfactory but they will check with the Health Department to see whether enlargement will be necessary for the proposed use. The Boyetts have purchased another property in Alexandria and if the permit is granted for this use, they will be moving.

Mr. Yeatman asked if the Boyetts had any plans for subdividing the property when sewer becomes available.

Mrs. Boyett replied that they are not thinking of subdividing. The school would continue there if it is successful; it seems an ideal location for such a school. The School is not a corporation at the present time but this is their proposal. The corporation details are not worked out yet, but there are five of them who as property owners would lease the property to the corporation. Mr. and Mrs. Boyett would own the controlling interest.

Mr. Smith felt that if the permit were granted, the hours of the school should not conflict with the traffic of public schools in the area. This schedule should be at least 15 minutes before public school buses enter the area or 15 minutes after they leave the area.

Col. Alan Packer, adjacent property owner, spoke in opposition. He stated that he could foresee the escalation of the school from a 60 student private school to something around 400. The 25 ft. access road to which Mr. Lockwood referred is an almost impassable road, Col. Packer continued. He also objected to a school going up next door to a very substantial investment in a home on two acres; he never knows when he will be transferred and the school might interfere with the sale of his home. If the school is granted, the property should be fenced.

Mr. Smith stated that if the school is allowed, fencing would be required, and also improvement of the road before it could be used.

Col. Packer said he had lived in the area for three years. His home is approximately 200 ft. from the Boyett home and the parking lot would be between his house and theirs.

Mr. Smith felt that the parking should be rearranged and moved away from the Packer property.

Mr. Lockwood agreed that this would be done. Also, he said the pond now on the property would be filled in. This would be a five day a week operation, ten months a year. There would be no operation on Saturdays and Sundays. The Boyetts will do all they can to protect Col. Packer's investment.

Prior to action on the application, the Board agreed that they should have a revised plat with revised parking and play area shown. The Board could act on the application at the next meeting if the plat has been prepared.

Mr. Smith moved to defer to May 23 for detailed plats showing parking area, playground area, and distances from all property lines. Seconded, Mr. Barnes. Carried unanimously.

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J. GRANT WRIGHT, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 7700 Wolf Run Shoals Road, adj. to Lakewood Estates, Lee District (RE-1)

Mr. Wright stated that if it were not for the availability of an excellent riding instructress, he would not be making the application as he could build the barn and other necessary appurtenances and operate a boarding and breeding stable without a use permit, but the Ordinance requires a permit for a riding school. Lakewood Drive was recently taken into the State system but is not yet improved. A group of citizens in Lakewood Estates were concerned about the fact that this was a private road so under the leadership of Mrs. Stanghorn, they worked out an arrangement between the citizens and the State whereby the citizens would put up a certain number of dollars, the State would build the road and take it over. Mr. Wright said that it was his belief that since these citizens in Lakewood Estates are interested in getting this into the State system, and they are the ones who have put their money into it, that he has a legal right to enter as soon as it is in the State system. He plans to approach Mrs. Stanghorn and discuss with her his contribution to the cost of the road construction.

J. GRANT WRIGHT - Ctd.

The barn will be located in the center of the property, Mr. Wright continued, and will not be seen from his home or from any side line. Ground coverage of the barn will be approximately 150 ft. by 100 ft.

There was no opposition.

Since Mr. Wright's plats did not show setbacks, the Board agreed to postpone decision on the application to the end of the agenda to allow Mr. Wright to amend his plats showing distances from all property lines.

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GULF OIL CORP., application under Section 30-7.2.10.2 of the Ordinance, to permit erection and operation of gasoline station, Lot 48 and 50, Freedom Hill Farms, on Rt. 7, Providence District (C-N)

Mr. Hobson stated that they were granted a permit for the station on January 11, 1966 but site plan work had held them up for so long their permit had expired. They are requesting to build a three bay colonial station of brick construction. They will make the necessary dedications for the service road.

Mr. Palmer Fletcher, a neighbor, said the widening of Route 7 had taken the septic field from his house. The County has put sewerage all around his property but so far he has not been allowed to use it, and his only concern is that there be some sewer facility available for use by the Pal-Nez School.

Mr. Hobson said that Gulf Oil will be required to pay for the sewer facilities in the area and will be reimbursed by others who wish to hook on to it.

Mr. Fletcher said that if Gulf brings sewer to the point shown on the map, he would be very happy.

No opposition.

Mr. Smith moved that the application of Gulf Oil Corporation, application under Sec. 30-7.2.10.2 of the Ordinance, to permit erection and operation of gasoline station, Lot 48 and 50, Freedom Hill Farms on Route 7, Providence District, be approved for gasoline station only; that this be a three bay colonial brick service station, no porcelain to be used in construction of the station; the applicant will dedicate the service road as shown on the site plan as well as construct it, and all other provisions of the ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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TEXACO, INC., application under Sec. 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of gasoline service station, Lot 7 and lot adjoining on north designated R. Edwards Lot of the Glendale Subdivision and Lot 1, Hanna Park, Little River Turnpike and Edwards St., Mason District (C-N)

Mr. Stump stated that the property is zoned C-N and is located across the street from the Telephone Company property. They intend to construct a three bay stone Matawan design station.

The design of the building basically is very attractive, Mrs. Henderson said, but she felt that all the different colors detract from the appearance.

Mr. Smith objected to the use of porcelain in the construction of the station, and noted that the Board had indicated that Texaco's competitors cannot use porcelain, therefore it should not be allowed to be used here. He felt the basic design was a good one as long as they did not use porcelain.

No opposition.

Mr. Stump said the total area involved is 74,000 sq. ft. but the station would only be using about 34,000 sq. ft. of it. They will dedicate and construct the service drive. He could not say what use would be made of the rear property.

Mrs. Henderson pointed out that she doubted very much whether the Board would be of a mood to grant any variances for another use on the property -- this is putting too much on the property.

Mr. Yeatman moved that the application of Texaco, Inc., application under Sec. 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lot 7 and lot adjoining on north designated R. Edwards Lot of the Glendale Subdivision and Lot 1, Hanna Park, Little

TEXACO, INC. - Ctd.

River Turnpike and Edwards St., Mason District, be approved for gasoline service station only and that the applicants have the option of constructing either a three bay suburban or colonial type station. All other provisions of the Ordinance must be met. The applicants will dedicate and construct the service road along 236 as shown on the site plan. Seconded, Mr. Baker. Carried unanimously.

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ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance to permit operation of nursery and kindergarten, 160 children maximum, ages 3 to 5 years, hours of operation 9 a.m. to 4 p.m., 7901 Heritage Dr., Falls Church District (RM-2)

Mrs. McConnell stated that she had not sent out the required notices and requested deferral to another date. She added that she was considering including first grade in her application but the Board did not feel that this had to be part of the readvertising or reposting.

Mr. Smith moed to defer to June 6. Seconded, Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY, application under Sec. 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with snack bar, professional shop for sale of equipment and incidentals, and club house, south side of Rt. 66 at Cub Run, Centreville District (RE-1 and Public Land)

Mr. Darrell Winslow of the Park Authority introduced Mr. Jack Radin who would lease the land from the Park Authority if the application is approved. Mr. Winslow passed out copies of a plan approved by the voters of Fairfax County last year, including a skeet shooting facility in the five year plan. Skeet and trap is a shotgun sport with limited range, using clay targets, Mr. Winslow explained. The area along Route 66 is quite low and noisy from the traffic. They have obtained permission to tie in to the sewer coming in on the Prince William County side. The location is close to other park activities and they could use the same security type operation that they use in their picnic and camping areas. If and when the new proposed Route 28 is cut through and built, the park entrance will be mainly from Route 28. There are now about 500 cars per day using the park facilities and this facility would only increase the traffic by 75, perhaps 100, cars. The Park Authority has approved the plan for this operation and gave authorization at their last meeting for the Chairman or Vice Chairman to sign a contract to construct a minimum $75,000 investment in this area. The operation will be under tight control by the Park Authority and the facility is greatly needed in this area.

Mr. Smith asked if the Park Authority had advertised the proposed facility and allowed companies to bid.

Mr. Winslow stated that before he came to work for the Park Authority, they had information brought in from the Winchester Arms Company. A representative came in and they discussed the matter. It was tabled until a Superintendent of Parks was appointed. In the meantime they were approached by Mr. Radin who said that he would like to invest and build the facility for them. The Park Authority felt that by using private money they could use the funds for acquiring land somewhere else and save the taxpayers money on developing this facility. This is the only reason they would enter into a venture with a private person.

Mr. Hobson, attorney representing the Park Authority, stated that the joint applicants with the Park Authority are Mr. Radin and Mr. Guinn. The Winchester Company will not enter into such a contract with just anybody, nor will the Park Authority, which will give it virtual control over the operation of the facility. The Park Authority is not by its nature such that it would want to operate this type of facility itself -- this is a type of facility that is best handled by a company or firm that does this all over the country.

Mr. Sam Guinn, East District Representative from the Winchester Arms Company, described the shooting that would take place and said there would be no live targets used. Since 23% of all the registered shooters in the State of Virginia live in Fairfax County, there is a need for this operation. Another important purpose of this facility would be to teach the proper use and handling of a shotgun; Winchester has a nationwide "learn to shoot" program and it is free. It is basically a three week program. Winchester will lay out the fields and club house for this operation to be sure they are laid out right; they will maintain the equipment and have field engineers make periodic visits to the club to make sure the equipment is in first rate condition. They will train a professional manager to manage the gun club.

Mr. Guinn continued that they would not sell hunting ammunition but strictly that to be used on the premises. They believe that a facility such as the one proposed is a natural place to sell trap and skeet guns but they don't think that hunting guns should be sold.

Mr. Smith expressed concern over the noise from the shooting. Under normal conditions, how far can a shotgun blast be heard, he asked?

Mr. Radin said the nearest house is across Route 66 (owned by Mr. Paul Smith) and from the noise checks which they had made, there was a "popping" sound that could be heard.

Mr. Winslow also told of hearing the shooting which he described as "not too loud", and further down on Bull Run Post Office Road, stopped at the entrance to the park, he could hear absolutely nothing.

Mr. Smith was concerned about people driving along Route 66 hearing the shooting. Mr. Radin said he doubted that people would be able to hear it over the noise of traveling cars and trucks, but he would conduct some tests if the Board wished. Their prime concern in the noise tests which they had made was Mr. Smith's house and if the facility does go in, they will plant white pines to form a sound barrier and in addition move the shooting center back another 200 ft. The original proposal showed the shooting field without a fence but they now plan to completely fence the area with a 5 ft. fence with signs every 20 ft. along it informing people that this is a shooting center. The periphery trees will be left as a sound barrier. There will also be a fence along Route 66 to keep anyone from coming down this path.

The charge for a round of skeet will be generally $1.50, Mr. Radin continued, and $2.00 approximately for a box of shells. Guns may be brought to the site or rented on the premises for 25 cents per gun.

Regarding Mr. Smith's concern about the nearness to Route 66, Mr. Hobson stated that Messrs. Radin and Guinn did not choose the site. The Park Authority asked their planners to select the proper location and they took into consideration such things as safety, access, noise factors, etc. and they came up with this proposal. He said that he was more concerned about Mr. Smith's home than to any person driving by on Route 66.

Mrs. Henderson suggested moving the shooting range back farther but Mr. Radin said there would be 100 campers located in that section. The point which was chosen will offer the least amount of noise to all concerned. Hours of operation of the facility will be from 7 a.m. to 10 p.m. The 7 a.m. time will only be used eight times per year for registered shoots. Lights will be confined to the shooting center. This is a 12 month operation, for six days a week. Night shooting hours are the heaviest. They plan to be closed on Mondays until they see what the public demand is. They propose two trap and skeet fields to begin with and it will be several years before they see if the public demand is enough for three of each. It will take $75,000 initially to start this facility. The Park Authority will be paid rent and a percentage, plus the whole facility will be turned over to them at the end of the lease which is 10 years with two five year renewals.

Mr. Paul Smith presented an opposing petition signed by himself and seven of his neighbors, and asked that the Board defer the case to come out to his property and listen to the shooting. He stated that he could already hear gunshots from the Izaak Walton League and the shooting preserve in the area, as well as the noise from Route 66 traffic and jet planes overhead. His main concern was the noise factor, he said.

Mr. Hobson described the snack bar as having six vending machines selling cigarettes, cold drinks, hot drinks, candy, cookies and pre-packaged sandwiches. In the pro shop they would sell gun cases, pouches for carrying shotgun shells, shooting glasses, coats and jackets, hats and caps, and items specifically related to these shooting sports. As to the noise factor, Mr. Hobson said, Mr. Smith and the others have stated that they have gotten used to the noise from Route 66 and the jet planes; the new noise will be of a lesser volume than the present noise. The Park Authority has tried to find the best location and they do not feel that this will be a detriment to the land owners. They have checked the noise and from a distance of 1200 to 1600 ft. the noise is not objectionable.

Mrs. Henderson read the Planning Commission recommendation for approval, with restrictions on the hours of operation, and serious consideration being given to no use on Sundays if it proves to be a nuisance to home owners in the area.

The Board deferred action to June 6 in order that they might visit the property and hear the noise that would be involved.

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May 9, 1967

THE RAVENSWORTH CORP., application under Sec. 30-6.6 of the Ordinance, to permit erection of buildings closer to property line, Lots B & C, 1st addition to Ravensworth Industrial Park, at the end of Port Royal Rd., Falls Church District (I-P)

Mr. T. Eugene Smith stated that he wished to amend the application to show the building designated as the 3M warehouse 79 ft. from the property line rather than 59 ft. as they have reduced the size of the building by 20 ft. The rear property line is very irregular and this is a very difficult piece of property to develop. One of the buildings will be a very handsome office building and the other one called a warehouse will actually be used for display and storage of the 3M Company's machines. The buildings have been leased to them and have been designed to their specifications. The major drainage problems on the property will be worked out by this construction. They acquired a small triangular shaped piece of land from the Park Authority, enabling them to extend the drainage structures, and the banks will be sodded, seeded and stabilized in accordance with the site plan submitted to the County. In I-P zoning the coverage allowed is 50%; they have only used 25%. The parking required is 406 spaces; they have provided 482. If necessary, Building #2 can be arranged so there will not have to be a variance. They have been aware of the drainage problems and have been in consultation with the County about it. The problems will all be corrected.

A letter from Mr. Beckner requested that the Planning Commission be given a chance to consider the application so they could make a recommendation. They would be able to consider it on May 22.

No opposition.

Mr. Smith moved that the application of the Ravensworth Corporation, application under Section 30-6.6 of the Ordinance, be granted in part, that the variance be reduced on Lot B and that there be no variance granted on Lot C. There is a variance of 21 ft. and 3 ft. on Lot B. All other buildings in the complex must conform to setback requirements of the Ordinance; this be granted based on the topographic situation, being a very irregular shaped lot. All other provisions of the Ordinance must be met. The Board should take action today rather than deferring it because of the erosion problem now existing. The variance is granted only on Building #3 as shown on the site plan. Seconded, Mr. Barnes. Carried unanimously.

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DUKE DEVELOPMENT ASSOCIATION, application under Section 30-6.6 of the Ordinance, to permit erection of stores on r/w line of Oasis Drive, 400 ft. east of intersection Rt. 236 and Beuregard St. (N. Chambliss St.) Mason District (C-D)

A letter from the applicant requested that the application be withdrawn; the variance was found not to be necessary. Mr. Smith moved to allow the application to be withdrawn. Seconded, Mr. Barnes. Carried unanimously.

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THE ROYAL POOL ASSOCIATION, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit existing storage shed to be used as snack bar for use of pool members, west of Parkway Place adjoining Kings Park Park, Falls Church District (R-12.5)

Mr. Tedesco stated that they wished to serve hot dogs, hamburgers, soft drinks and containers of ice for the soft drinks. He read a letter outlining their entire plans.

Mr. Smith objected to the preparation of food on the premises as the Board has denied similar requests previously. To allow a regular kitchen would certainly be out of order as far as he was concerned, he said.

There was no opposition present.

The Board members agreed that pre-packaged foods would be all right but there should be no food cooked on the premises such as sandwiches in infra-red ovens as proposed by Mr. Tedesco.

Mr. Smith moved that the application of the Royal Pool Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit existing storage shed to be used as snack bar for use of the pool members, west of Parkway Place, adjoining Kings Park, Falls Church District, be approved on the following basis -- that the Association be allowed to use the building as outlined for distribution and sale of pre-packaged foods (candy bars, crackers, cookies, potato chips, ice cream, anything that is pre-packaged and needs no additional preparation), that there be a facility provided for storage of lawn mowers or other equipment used in the pool operation so it will not be strewn haphazardly around the premises. All other provisions of the Ordinance must be met. Nothing

should be served in the snack bar that needs further preparation, even just a simple heating process. Seconded, Mr. Barnes. Carried unanimously.

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J. GRANT WRIGHT (Deferred from the early part of the agenda to allow Mr. Wright to show setbacks on his plats.)

Mr. Wright returned with revised plats showing setbacks from property lines. The proposed barn will contain 28 stalls, he explained, and the existing barn will not be used for any part of this operation. The old fence on the property will be replaced by a new one. Hours of operation would be from daylight to 10 p.m., seven days a week. Mrs. Beverage, from Reston, will be the instructress.

No opposition.

Mr. Smith moved that the application of J. Grant Wright, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 7700 Wolf Run Shoals Road, adjacent to Lakewood Estates, Lee District, be approved for instruction in the arts of riding on a limited basis, in accordance with plats submitted. Barn will be 100 ft. x 150 ft. with 28 stalls and a maximum number of 28 horses at any one time. Hours of operation from daylight a.m. to 10 p.m. seven days a week. All other provisions of the Ordinance shall be met. Permit is granted only for that portion of land shown fenced off to the rear and has nothing to do with Mr. Wright's barn for his own personal horses. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES:

EDWIN LYNCH, application under Section 30-3.4.4 of the Ordinance, to permit gasoline service station to be located less than 100 ft. from property line on Edsal Rd., west of Rt. 95, Mason District (I-G)

(Deferred for new plats decreasing the amount of variance.)

Mr. Bill Henry presented new plats and stated that originally they were requesting a 25 ft. setback from the rear property line which adjoins Atlantic Research, and a 5 ft. setback adjoining the Indian Springs Subdivision. They took one pump island from the front of the station and put it on the road leading to Atlantic Research; that way they are 100 ft. from Indian Springs Subdivision and 50 ft. from the buffer zone of the Atlantic Research property. This is the solution they came up with. The right of way of Edsal Road now is 105 ft. This will be a Gulf ranch type station.

Mr. Smith expressed reluctance to act on any variance request while the condemnation proceedings are still underway. It would be out of order for the Board to act at this time, he said.

If they are not allowed to construct the station, Mr. Henry said, because of condemnation, the damages would be greater from the State. If they can utilize the property which has been damaged through condemnation, it will be to the State's benefit. They have talked with the Indian Springs Citizens Association representatives and they are in favor of the proposal.

Mr. Knowlton said he believed the State was completely through with construction on the Lynch side of the road.

Mr. Henry described the station as a ranch style building with a 4 1/2 ft. roof overhang.

Mr. Smith stated that he had no intentions of considering a roof overhang as he felt it was not necessary.

The applicant should plan a station that will fit the property, Mrs. Henderson suggested. If a ranch style station will not fit, they should plan some other style. The Board granted a three bay colonial station this morning in 64 ft., she said. However, she felt that the proper approach for a station on this property would be for Mr. Lynch to have the property rezoned for commercial use. Then there would be no problem.

After more discussion on possible ways to develop the property without such a large variance, Mr. Smith moved to defer for six months in order that the applicant might apply for commercial zoning. Seconded, Mr. Barnes. Carried unanimously.

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May 9, 1967

Mrs. Henderson noted a letter from Mr. O'Carroll regarding the Somerset Olde Creek Recreation Club, Inc. The Board requested that Mr. O'Carroll and the applicants or their representatives be present on June 6 to discuss the problems.

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The Board voted to allow Mansion House to open May 27, the beginning of the Memorial Day week end, as requested.

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The letter regarding a teen age coffee house was read and considered to be a "teen age social hour" by the Board, no permit being necessary.

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The meeting adjourned at 6:50 P.M.
By Betty Haines

Mary R. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

July 6, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 23, 1967. All members were present except Mrs. Henderson. Mr. Dan Smith, Vice-Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

EPIPHANY LUTHERAN CHURCH, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-kindergarten in existing church building, ages 4-6 year olds, approximately 60 children; hours of operation 9 a.m. to 12 noon, 5513-21 Old Mill Rd., Woodlawn Manor Subd., Mt. Vernon District (RE 0.5)

Pastor Cecil Propis and Mrs. Framkie, Chairman of the Board of the School, were present in support of the application.

Mrs. Framkie stated that they hoped to begin the pre-kindergarten with four year olds this fall and the classes would be limited to 16 children each. Although the application as filed was for 16 children, she hoped they could amend it to allow 24 as there is adequate space for them. There is not a fence on the property at present but they will erect one if the application is granted. This would be for four year olds only, from 9:30 a.m. to 12:00 noon.

Mr. Baker suggested granting the permit for five and six year olds also as this is a good location and there is adequate space.

There was no opposition.

Mr. Baker moved that the application of Epiphany Lutheran Church, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of a pre-kindergarten in existing church building, ages 4-6 year olds, approximately 60 children (not to exceed 60 children) on the premises at any one time; hours of operation 9 a.m. to 12 noon, 5513-21 Old Mill Road, Woodlawn Manor Subdivision, Mt. Vernon District, be approved. All other provisions of the Ordinance must be met. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM F. NEWELL, application under Section 30-6.6 of the Ordinance, to permit erection of an apartment building 40 ft. from side property line, east side of Gallows Rd., adjacent to Merrifield Village Apts., Providence District (RM-2G)

Mr. Newell stated that he is the contract owner of the property. Mr. Donald W. Roberson is the owner. The property was rezoned for apartment use on April 27, 1966.

Mr. Roberson explained that he bought the property nine years ago for his home site, but before he got around to building it, apartments were constructed on the property next to his, so he sold the property to a man who got the RM-2G zoning on it. After he got the zoning he could not get a construction loan, so Mr. Roberson had to take the property back. Then he sold the property to Mr. Newell thinking that it was rezoned and ready for building. When Mr. Newell applied for a permit, he was told that this setback line applied all the way around the property. The variance is being requested because Mr. Roberson is not in a position to develop it himself, and without the variance the apartment project would only be 31 ft. wide which would not be a good development. At the zoning hearing, Mr. Roberson continued, there was no mention made of a variance and no questions asked, so they proceeded blindly.

Mr. Smith said he had heard no reasons given as to why the Board should grant a variance on this property. This is a recently rezoned piece of land.

Mr. Roberson said the property contains approximately 41,000 sq. ft. and he could not understand why the land was zoned for apartment use if it could not be used in that manner. Mr. Newell's idea was to match these apartments to the ones on the adjacent property.

Mr. Newell stated that he could reduce the request from 31 ft. as originally filed, to 40 ft. 8 in. and still come up with a desirable apartment. If they get any smaller than this, he probably would have financing and rental problems. Neither he nor Mr. Roberson knew of the 50 ft. requirement when he purchased the property.

In looking over the records of the case, Mr. Smith noted that the Staff recommended approval of the zoning change to the Board of Supervisors on April 27, 1966 apparently without any consideration of the applicant being

WILLIAM F. NEWELL - Ctd.

able to utilize the property for this purpose. However, he did not feel that the Board of Zoning Appeals should grant variances on recently rezoned properties.

It was rezoned in good faith, Mr. Barnes pointed out, and the Board should give some consideration to that. The Staff recommended the zoning change and they knew the size of the property.

Mr. Newell said this was the first apartment project which he had undertaken. He found out after buying the property that there had to be the 50 ft. setback especially on the Merrifield Village side. There is a roadway between Merrifield Village and this parcel of ground, a grassy spot, the parking area, and the distance between them looks like about 180 ft. They have no problems with the length of the property, only the width.

Mr. Smith felt it was possible to get the apartments on the land without a variance being granted.

Mrs. Cling, adjacent property owner, asked that the variance be allowed in order that they might construct the most attractive building possible. Also, she requested that a fence be put between the two properties. They own two acres, Mrs. Cling said, and they intend to live here for a while longer. They would not object to well designed apartments.

No opposition.

Mr. Yeatman moved that the application of William F. Newell, application under Sec. 30-6.6 of the Ordinance, to permit erection of an apartment building be granted 40 ft. from side property line, on east side of Gallows Road, adjacent to Merrifield Village Apartments, Providence District; that a site plan be required, and that the owner dedicate the proper amount of land for widening of Gallows Road; that he install a fence down the property line adjoining the Cling property. All other provisions of the Ordinance shall be met. Mr. Barnes seconded the motion in view of the Staff recommendation at the time of rezoning, the Board of Supervisors approval of the rezoning, and because this is located next door to existing apartments. Also, this long, narrow strip of land would need a variance any way it is developed for this use and since the land next door is developed in apartments, he felt this was a reasonable use of the land. Motion carried 3-1, Mr. Smith voting against the motion as he felt there was nothing in the Ordinance to allow the Board to grant a variance based on the testimony given.

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RICHARD V. BOWERS, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 40 ft. from Royston St. and 7.4 ft. from side property line, Lot 48, Sec. 1, Bristow (7653 Royston St.), Falls Church District (R-12.5)

Mr. Bowers stated that the subdivision is approximately 10 years old. They have a kitchen and dining area now that are small and they wish to convert the dining area into part of the kitchen and make a new dining area in the proposed addition.

Mr. Yeatman stated that he had viewed the property and there is a sharp drop in the back of the property. There is a storm sewer going through there now. He had talked with Mrs. Bowers while on the property and learned that their family had grown from one child which they had when they purchased the property, to four children and they need the room. However, he suggested that the addition be moved back 5 ft. to eliminate the front yard variance.

Opposition: Mr. Morianna represented Mr. and Mrs. Dunn in opposition, but stated that perhaps the Dunns did not fully understand the application before the Board. As a real estate man himself, he did not feel that the addition would detract from the Dunn property in any way, but possibly might add to the value of the property.

Mr. Yeatman moved that the application of Richard V. Bowers, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 40 ft. from Royston Street and 7.4 ft. from side property line, Lot 48, Section 1, Bristow (7653 Royston Street), Falls Church District, be approved as there are topographic problems on the property. The room cannot be placed to the rear any farther back than shown on the plat. The carport in front will be open. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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May 23, 1967

ALLEN T. MILLER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 4 ft. from side property line, Lot 7, Becker Knolls (7050 Wardell St.), Mason District (R-10)

Mr. Miller explained that since moving to the property last fall his wife has been afflicted with Multiple Schelrosis and she has trouble getting in and out of the car. This is one of the reasons for the carport request -- the other is to improve the appearance of his home. There are two possible locations for the carport, one in the front of his home, or on the side. His neighbors have indicated that they prefer it to be located on the side. The house is about three years old.

Mr. Smith felt that this was not a case where the Board could grant a variance according to the terms of the Ordinance. He suggested putting the carport in the rear of the house.

To place the carport in the rear, Mr. Miller said, would make a driveway very difficult to construct and since the house is two levels in the rear, his wife would not be able to get up and down the stairs to the carport. The carport could be narrowed and placed in front of the house without a variance but this did not seem desirable. Most of the other houses in the neighborhood have carports or garages and the design of this particular house clearly calls for the carport on the side.

Mr. Bryan, owner of Lot 6, described Wardell Street as a cul-de-sac with ten houses which are architecturally harmonious, and he and the other neighbors would like to see the variance granted for the carport on the side of the house. To put the carport in front would be out of keeping with the rest of the neighborhood. He said he had no objection to the variance provided there is a line of demarcation, preferably by a row of bushes, so that anyone looking at the property would realize where the property line ends.

No opposition.

Mr. Yeatman moved that the application of Allen T. Miller, application under Section 30-6.6 of the Ordinance, be granted to permit erection of carport 10 ft. wide, 4 ft. from the side property line, Lot 7, Becker Knolls, 7050 Wardell St., Mason District. Also, there shall be a row of evergreens planted down the side property line adjoining the Croghan property. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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EDWIN LYNCH, application under Section 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection and operation of a gasoline service station, Augusta Drive and proposed Bland Street, Mason District (C-D)

Mr. Bill Henry withdrew the part of the application dealing with setback variances, pump islands and the canopy, and said they wished to proceed with the special permit to build the gasoline station with no variances. Bland Street will not be dedicated but will remain a private road owned and maintained by Edwin Lynch, Trustee. The road that will be realigned is mainly to eliminate traffic confusion which exists at present and enable traffic to make a safer turn to get to the station. The three bay Esso station there now is overcrowded and will be abandoned when the new station is in use.

Mr. Lynch stated that they had controlled and maintained their roads in good condition for the past 15 years and plan to keep control over them, the same as any other shopping center does. The Staff is aware of their plans for realignment of the roads and they have received no objections, either from the County or the State.

Mr. Henry said the property would be leased to Esso for the station and he felt it would upgrade the area. After much discussion as to sidewalks and lease line, Mr. Henry agreed that they would move the lease line to the point 25 ft. from the pump islands where they will not need a variance. All the service station operations will be within the lease line, all the way out to the road.

Mr. Ward, architect, showed a rendering of the proposed station, a year round, 24 hour per day operation. The building will be of pre-cast concrete with steel corners and brick panels. The brick will be either white, light grey or light tan. It is the owner's desire to play down the advertising so there will be only one standard Esso oval. This will be a five bay station.

No opposition.

Mr. Yeatman moved that the application of Edwin Lynch, application under Section 30-7.2.10.3.1 of the Ordinance be approved to permit erection and operation of gasoline service station with canopy over pump islands, pump islands to be 25 ft. from the lease line which will be changed on the plat before the Board; that the road which is not a dedicated road will be

owned and maintained by Lynch in good condition; that this be a five bay gasoline station, designed as shown on the plan, constructed of brick and pre-cast concrete, with steel columns. That landscaping be done in accord with the rendering presented. The old Esso station shall be closed within 30 days after the new one opens. If there ever comes a time when the road is dedicated, pump islands shall be brought into conformity with existing zoning regulations at that time. Seconded, Mr. Baker. Carried unanimously.

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ST. AMBROSE CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, grades 1 thru 8, ages 6-14 years old; approximately 300 children; hours of operation 8:30 a.m. to 3:30 p.m. (3901 Woodburn Rd.), SE side of Woodburn Road, approx. 500 ft. N. of Rt. 236, Falls Church District (RE 0.5)

Mr. Gaylord Leonard, Father Secolora, and Mr. Sheridan, architect, were present in support of the application. Mr. Leonard began the presentation by amending the application to read "300 children" rather than 250. They hope to start off with four teachers (four religious sisters). They are only applying for a permit for 8 rooms and 300 students at this time and will come back to the Board for any expansion. 140 parking spaces would serve both the school and church purposes.

No opposition.

Mr. Yeatman moved that the application of St. Ambrose Church, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, grades 1 thru 8, ages 6-14 years old; approximately 300 children, hours of operation 8:30 a.m. to 3:30 p.m., 3901 Woodburn Road, SE side of Woodburn Road, approximately 500 ft. north of Route 236, Falls Church District be approved and all other provisions of the Ordinance shall be met. Approval of site plan will be required. Seconded, Mr. Baker. Carried unanimously.

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J. WILLARD LAFFERTY, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage and bath, closer to Light Street than allowed, Lot 8, Block 56, Section 17A, North Springfield (5215 Light Street) Mason District (R-12.5)

Mr. Lafferty explained his proposal to construct a garage with workshop and bath. His house is located on a curve in Light Street and is on the largest lot on the street. They are on public water and sewer. Any place the addition is placed will require a variance due to the odd shape of the lot.

Mr. Yeatman said he had viewed the area and 80% of the homes have carports or garages.

No opposition.

Mr. Yeatman moved that the application of J. Willard Lafferty, application under Section 30-6.6 of the Ordinance, to permit erection of a garage and bath closer to Light Street than allowed, Lot 8, Block 56, Section 17A, North Springfield (5215 Light Street), Mason District be approved in accordance with plats submitted to the Board. All other provisions of the Ordinance shall be met. This is granted due to the shape of the lot; there would have to be a variance wherever the garage is located on the property. Seconded, Mr. Barnes. Carried unanimously.

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JAMES LITTLE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 3.5 ft. from side property line, Lot 5, Pt. Sec. 3, City Park Homes, (3008 Marshall St.), Falls Church District (R-10)

Mr. Little stated that this particular style of house has no front entrance -- only a side and back entrance, and he would like to place a carport beside the foyer which is now under construction. The foyer is being constructed where the open porch was originally when the house was built in 1946. He has lived in the house for two years.

Mr. Smith suggested building the carport in the rear of the house, but Mr. Little said it would block off two of his windows and would not be feasible. If he has to put the carport in such a position as to meet the 5 ft. limitation, it will be too small as the inside width now is only about 7 ft. The foyer is the primary entrance into the house.

No opposition.

JAMES LITTLE - Ctd.

Mr. Yeatman moved to defer the application for decision only to June 6 to allow the Board to view the property. Seconded, Mr. Baker. Carried unanimously.

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DR. E. LAKIN PHILLIPS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, elementary age children with learning defects, approximately 20 children; hours of operation 9 a.m. to 3 p.m.; 5 days a week; Lots 4, 5 and 6 and 39, Block 4, West McLean (1530 Chain Bridge Rd.), Dranesville District (R-12.5)

This is the same property on which the Board granted a permit for a tutoring service in November, Dr. Phillips explained. This proposal is to request a permit to activate a school for children with learning defects as they are rarely cared for in public schools, and infrequently in private schools. This request comes out of several sources -- one, the recent Medicare legislation which provides government support for schooling and treatment of children who are military dependents, and after checking this out in the area, he felt there was a great need for such a school. Sewer is at the back of the property and he will be glad to hook on to it, Dr. Phillips continued. The present fence on the property will be replaced. The tutoring service which he now donducts on the property would be continued but this involves only three or four children at any one time and takes place between 4 p.m. and 8 p.m. No one will occupy the home.

Mr. Woodson reported that he had had no complaints on the tutoring operation.

No opposition.

Mr. Yeatman suggested that the Board defer decision on the application until reports have been obtained from the Fire Marshal, the Health Department and the Building Inspector. He moved to defer to June 20 providing these reports have been submitted to the Board, or if the reports are in by June 6 the Board can make a decision on the application at that time. Seconded, Mr. Barnes. Carried unanimously.

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IRENE GORDON, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lot 1, Block E, Section 1, Pimmit Hills, (7431 Howard Ct.), Dranesville District (R-10)

Letter from the applicant requested indefinite deferral due to illness.

Mr. Yeatman moved to defer the application indefinitely, not to exceed six months, at the applicant's request. Seconded, Mr. Baker. Carried unanimously.

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VIENNA MOOSE LODGE #1896, LOYAL ORDER OF THE MOOSE, INC., application under Section 30-7.2.5.1.4.1 of the Ordinance, to permit operation of Moose Lodge (9616 Courthouse Rd.), Providence District (RE-1)

Mr. Donald L. Bowman, attorney, stated that the Moose had entered into a contract to purchase approximately 5 acres on Courthouse Road near the Town of Vienna, a wooded tract with a brick home on the property. There is a residential home across the street and one adjoining the property but the back is wooded. The Moose Lodge plans to use the existing brick house with its large recreational room for Moose Club activities probably for several years. Membership of the Lodge is 161, although all the members are not active. The meetings are being held now on the premises at Lawyers Road and Route 123. Their recommended membership is around 500 and this would require additional building facilities.

Mr. George Rotenberry of the Lodge Land Committee, and member of the Moose Lodge for approximately one year, stated that they would use this property strictly for their meetings and Association gatherings. They feel this property would adequately meet their needs. The rec room in the house is 46 ft. by 28 ft. The property is pretty well concealed from the public eye by large trees. There will be no problem in getting to the sewer; the property is presently served by a septic tank. Hours of operation would be from 11 a.m. to 12 midnight. They will have an ABC license to sell beer; they got their present license in 1960 and have had no problems.

Mr. Cecil Leathers spoke in favor of the application; he felt it was a good location and this Club has a good record in the Town of Vienna.

VIENNA MOOSE LODGE #1896 - Ctd.

Opposition: Mary Burke Wood, living directly across from the property, opposed the application, objected to the traffic that would be generated by this facility.

Mr. Rotenberry stated that they had planned to put in spaces for 75-80 cars in the beginning and increase the space as it becomes necessary. Mr. Smith felt the Club should start off with no less than 100 spaces, staying 100 ft. off the front property line, and not cutting any of the trees.

Mr. Barnes suggested that there be a 75 ft. buffer strip all the way around the property except in the front and that should be 100 ft.

Mr. Yeatman moved to approve the application of VIENNA MOOSE LODGE #1896, Loyal Order of the Moose, Inc., application under Sec. 30-7.2.5.1.4.1 of the Ordinance, to permit operation of a Moose Lodge (9616 Courthouse Road) Providence District, hours of operation 11 a.m. to 12 midnight; that they provide 125 parking spaces to be located not closer than 100 ft. from the front property line and 75 ft. from the side and rear lines; that they leave as many trees on the property as possible; that lighting be confined to the subject property and not be allowed to shine onto adjacent properties; that the number of people allowed in the building at any one time shall be set by the Fire Marshal and Health Department; and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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SPRINGFIELD SURVEYS, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing building closer to side property line than allowed, (5700 Hanover Ave.), Mason District (I-P)

Mr. Carl Hellwig stated that he had approached Crestwood Construction in an attempt to purchase land to the south of this tract, and it is not for sale; however, they were willing to sell a small piece behind this property, which is incorporated in the plan. The building is supposed to be 100 ft. from the property line because it is located in Industrial zoning but it is being used for office building purposes so they are asking for a variance to add to the present building which they are rapidly growing out of. The operation will not change; it will remain an engineering and surveying firm with no industrial usage of the property at all. They will provide necessary screening or whatever is required by the Board. Hours of operation are from 8 a.m. to 5 p.m. with some overtime in the evenings. The largest vehicle to be parked on the property will be a station wagon. They now employ 48 people; with the addition they anticipate around 90. There have been no complaints about the operation from anyone in the area.

No opposition.

Mr. Smith said he would rather have seen an application for change of zoning for the property rather than this, but since the business is presently operating and has been there for a number of years, possibly this is the best approach to the land use problem. If it were a new use and were not established, he would not vote for the application but under the conditions existing, he felt this was a good approach.

Mr. Yeatman moved that the application of Springfield Surveys, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing building closer to side property line than allowed, (5700 Hanover Avenue), Mason District, be granted and that all other provisions of the Ordinance shall be met. This property is surrounded by heavy industrial uses and there cannot be any additional land purchased from adjacent property owners for this use. This addition will help screen the industrial uses from the town houses to the north of this property. It is a very good use in this particular area, a great improvement. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES

The application of HERMAN NAVARRO, application under Section 30-6.6 of the Ordinance, to permit erection of carport 6.5 ft. from side property line, Lot 30, Block 66, Section 20, North Springfield, (7605 Hamlet St.), Mason District, was withdrawn as the variance was no longer necessary.

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May 23, 1967

JAMES R. AND SHIRLEY W. BOYETT, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of school kindergarten and first grade, 2 sessions, 60 each; 9 a.m. to 3:30 p.m. 5 days per week, 5120 Twinbrook Rd., off Rt. 652, Falls Church District (RE-1)

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Mr. Lockwood presented new plats showing the proposed parking area.

Mr. Smith noted that the plats showed the roadway from the new subdivision area ending at the Boyett property and if the application is granted, the Board should be given new plats showing the roadway leading in to the school. The existing 25 ft. access road is not sufficient to serve the school facility. Mr. Coldwell, engineer, checked and found that it was impractical to locate the parking in the area suggested by the Board at the last hearing because of a marsh and felt that it would be superior in the location shown on the revised plats, behind the Boyett home, and it would not be visible from the Packers' residence.

Mrs. Packer stated that she had no objections to the arrangement as shown on the revised plat. She asked about fencing requirements for the property.

Mr. Smith assured her that the recreation and play areas would be fenced; that comes within the site plan approval.

Mr. Yeatman moved that the application of James R. and Shirley W. Boyett be approved under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school, kindergarten and first grade, two sessions, maximum of 60 students each; hours to be flexible so as not to conflict with public school bus traffic in the area; 5 days a week, 5120 Twinbrook Road off Rt. 652, Falls Church District; that there be 16 parking spaces provided as shown on revised plat dated May 18, 1967; that the play areas be fenced and all other provisions of the Health Department and Fire Department must be met. Also the connection to Thackerey Court in Kings Park West shall be made before the school is opened. The pond on the property shall remain dry and drained as indicated on the plat. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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Mr. Yeatman moved to approve the request of the MCLEAN BOYS CLUB, to extend the permit for a period of June 26, 1967 through August 18, 1967 for a maximum of 100 children in the camp, hours of operation 9 a.m. to 4 p.m. in conformity with the letter requesting the extension. Seconded, Mr. Baker. Carried unanimously.

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The Board members agreed that the operation of PULSE COMMUNICATIONS is a compatible and similar use to that which was previously located in the building at 5417 Columbia Pike (C-G zoning), therefore Mr. Yeatman moved that the operation be allowed to be conducted in this building. Seconded, Mr. Baker. Carried unanimously.

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Meeting adjourned at 3:50 P.M.
By Betty Haines

Mr. Dan Smith, Vice-Chairman

_____ Date

Read by Mary K. Huelson
chairman
July 6, 1967

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, June 6, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Messrs. Barnes and Baker arrived late. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

MAURICE M. DEGROFF, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line than allowed, proposed Lots 2A, 3A and 4A, Camelot Heights, Falls Church District (R-17)

Mr. Hellwig stated that Camelot Heights is under development and is of record. They have asked the Highway Department to move the right of way fence back 4 ft. to allow them room to build the cul-de-sac but they were not able to do so. The idea now is to come down Luttrell Road by a private driveway; these areas would be in common usage such as Reston and have a 12 1/2 private driveway into each house. The entrance driveway would be 40 ft. wide and privately maintained by the three owners.

Mrs. Henderson noted that the applicant should move the houses back farther on the lots for his own protection, so he will not need any more variances.

Mr. William E. Johnson, adjacent property owner, stated that the area is now being served by public water and he has had to pay for 125 ft. frontage for his own property. He was concerned about the frontage being paid for by Mr. DeGroff.

Mr. Knowlton assured him that there were minimum sewer rates which would apply.

Mr. Hellwig said they would be required to pay for the full frontage, not just on the road they are fronting on. They would also build a walkway for use by the school children up Luttrell Road to the school.

Mr. Yeatman moved that the application of Maurice M. DeGroff, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line than allowed, proposed Lots 2A, 3A and 4A, Camelot Heights, Falls Church District, be approved, and that the engineer place the houses so there will be no further need for variances. All other provisions of the Ordinance must be met. Seconded, Mr. Smith. Carried 3-0. (Messrs. Barnes and Baker not yet present.)

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PENNSBURY OF WASHINGTON CO., A PARTNERSHIP, application under Section 30-7.2.2.1.6 and 30-7.2.2.2 of the Ordinance, to permit construction of temporary (lift) pumping station to handle the sanitary waste from apartment houses now under construction in Sec. 3, Cardinal Forest and operation thereof until such time as construction of the Accotink Sanitary Trunk Sewer is completed by Fairfax County, all of Section 3, Cardinal Forest, on Carrleigh Parkway, Mason District (RPC)

Mr. Henry S. Clay, Jr., pointed out the low part of the property and stated that until the Accotink line is built they must pump up the hill and they need the pumping station. Mr. Liedl has said that the sewer should be in by spring of 1969. The pumping station will be designed to handle 650 families and can be increased to handle 948 units at 2.3 persons per unit. The pumping station will be operated by the County. The building will be of pre-cast concrete placed beneath the ground with a concrete slab and concrete block exterior. The closest residence to the station would be approximately one mile across the railroad tracks and up the hill and the station would not be visible from there.

No opposition.

Mrs. Henderson read a letter from Mr. C. C. Massey stating that the Board of Supervisors had authorized construction of the temporary lift station subject to Board of Zoning Appeals approval. Also, the Planning Commission's report recommended favorable consideration of the pumping station with a request that the Board of Zoning Appeals require the applicant to take all necessary steps to restore the siltation impoundment located near the property.

Mr. Hooker commented that at one time the siltation in that area was very high but now that the streets are in it has been reduced to a minimum.

June 6, 1967

PENNSBURY OF WASHINGTON - Ctd.

Mr. Smith moved that the application of Pennsbury of Washington Company, A Partnership, application under Section 30-7.2.2.1.6 and 30-7.2.2.2 of the Ordinance, to permit construction of a temporary (lift) pumping station to handle sanitary waste from apartment houses now under construction in Section 3, Cardinal Forest and operation thereof until such time as construction of the Accotink Sanitary Trunk Sewer is completed by Fairfax County, all of Section 3, Cardinal Forest, on Carrleigh Parkway, Mason District be approved and come under the control of the Sanitation Department once it is constructed and is in operation, with the understanding that the siltation impoundment will be corrected as fast as possible, meaning as soon as the construction is out of the ground, the temporary dam must be constructed. This is a temporary situation and it must meet all requirements of Sanitation Division. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried 4-0, Mr. Baker not yet present.

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MILDRED W. FRAZER, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten, thru 6th grade, ages 5-11, 5 days a week; hours of operation 9 a.m. to 3 p.m., 8618 Ft. Hunt Rd., Mt. Vernon District (R-12.5)

Mrs. Frazer explained that her school located in the Wesley Methodist Church has very limited space and she will have to discontinue kindergarten the coming year because the church is planning to have their own and will not allow hers. She felt it would be necessary for her to find new quarters and was able to locate this property which is right across the street from where she had been previously for five years, the Plymouth Haven Baptist Church. At present there is a very small house in bad condition on the property. It will be removed. According to the plat there is adequate room on this one-half acre for parking, play area, and a "U-turn" in front of the building where children could be dropped off and picked up. The proposed building would have six classrooms, one or two of which would be used as living quarters for someone on the place. There would be a maximum of 20 children to a classroom, making a total of 80 or 100 children.

Mr. Smith said he felt that 80 students on a half-acre was very high density.

If it is found that one-half acre is not adequate, Mrs. Frazer said, the adjacent one and a half acres (Archie Beavers property) would be available. She does have an option on this if she feels that she needs it. It is good until settlement is made on the one-half acre. The land is extremely expensive and Mrs. Frazer said she did not feel that she needed two acres for the school. At this point the cost of the two acres makes the school prohibitive. If she needed more land, she would like to use the adjoining one-half acre but the land is not subdivided at this time. The property is 500 ft. in length along Fort Hunt Road so possibly she would be able to sell the part farthest from the school. For the past two years, Mrs. Frazer continued, she has been in a poor financial situation because of having to move the school and decrease her enrollment; right now her school enrollment is down to about 60 and it will have to be smaller next year if she does not find new quarters. She hopes to be able to start the school in September of 1967 but site plan approval could hold up the operation for another year.

Mr. Smith felt that Mrs. Frazer could subdivide the entire tract to meet Zoning requirements and use whatever space she needs for the school, selling the remaining part. Site plan and subdivision details could be worked out at the same time.

Opposition: Mr. Ollie Lackey, living directly across the street from the subject property, objected to the location of a school on the property because his job requires that he work nights and sleep during the day. Also, he felt that the road was too narrow to serve increased traffic and there are drainage problems existing. If the State widens the road as they plan, Mrs. Frazer will not have even a quarter acre of land left. Everyone in the area has drainage problems, Mr. Lackey continued, and he contributed $500 to the drainage program for the area. He did not know of these problems until he applied for the permit to build his home. He has a ditch through the property now to get the water off the property and complied with the requirement of installing two large culverts but there is no place for the water to go.

Mrs. Frazer stated that she was not aware that there were any drainage problems on the one-half acre part; she knew there was some difficulty with the far end of the property, however, if there are such problems, site plan approval would require her to correct them. As to the highway widening, she did not think there was any definite requirement and the real estate people had told her that possibly 20 ft. of her property would be taken; that is why she requested that the building set back 50 ft.

That would make the building non-conforming right away, Mrs. Henderson noted. If the other half-acre is used, the building could set back 70 ft. and this would assure that it would be far enough off the road.

Mr. Knowlton commented that under the site plan ordinance, Mrs. Frazer would be required to widen the road with curb, gutter and sidewalks.

Mrs. Henderson said she felt that Mrs. Frazer understood the problems connected with the site and felt the application should be deferred to enable her to investigate the property and the feasibility of building on it. When Mrs. Frazer returns, she should bring amended plats showing the other half-acre, with the building moved back.

Mr. Smith moved that the application be deferred for a period not to exceed 90 days, however, at any time within this 90 days by giving the Zoning Administrator a two week notice and by notifying adjoining property owners, Mrs. Frazer could get back on the agenda with an amended proposal if she desires to pursue the application. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith noted that everyone who was notified about today's hearing should be notified of the amended application.

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RESTON MUSIC CENTER, INC., application under Section 30-7.2.6.1. of the Ordinance, to permit temporary site of the Reston Music Center, a non-profit educational camp. Facilities would include temporary housing for approximately 130 students and staff, a concert tent; appropriate parking and accessory temporary structures. Period of use to be eight weeks starting June 22, 1967 on approximately 32.04 acres of land on Rt. 606, North of Lake Anne Village, Centreville District (RE-2)

Mr. Cummings, Manager of the Engineering Division of Reston, Inc. pointed out the proposed site of the permanent music center in Reston, and stated that they would like to have permission to open a temporary music center on residential land to the north of their subdivision this summer. They propose to have 130 students with 30-40 counselors and staff to supervise in both instrumental and voice instruction. He pointed out the site of the large tent, to the east of the proposed lake. Septic tests have been found to be satisfactory and have been approved by the Health Department. Water will come from the existing main installed in Reston extended up to the campsite. The open field will accommodate parking of 600 cars.

Dr. Fold described the tents as having wooden floors, constructed of a treated material to make the tents fire retarding. The age limit for the students would be 18. Eating facilities will be located at the Lake Anne School; they have approval for this. There would be no winter activities on the property.

No opposition.

Mr. Smith moved that the application of Reston Music Center, Inc., application under Section 30-7.2.611 of the Ordinance, to permit temporary site of the Reston Music Center, a non-profit educational camp, facilities to include temporary housing for approximately 130 students and staff a concert tent, appropriate parking and accessory temporary structures, be granted, with parking for 600 cars; tents to be fireproofed construction with wooden floors; proper septic tank and drainfield areas; proper toilet facilities provided and approved by the Health Department; granted from June 20 through September 1, 1967 on 32.04 acres of land on Rt. 606, North of Lake Anne Village, Centreville District. Health Department must approve eating and living facilities in the area. All other provisions of the Ordinance, both State and County, must be adhered to. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable on northerly side of Leesburg Pike, approximately one-half mile west of Airport Access Road, Dranesville District (RE-1)

Mr. Hatcher stated that the property involved consists of 15 acres. He would like to conduct a riding school on the property and tentatively has a young lady who would teach riding. He said he had not explored her qualifications, but was waiting to see whether the permit would be granted. The stable has not been built but the stalls will be approximately 8 ft. x 12 ft. with the total number of stalls being left up to the Board. The eight horses which he owns were purchased from a riding school. He would rent them to individuals if they desire.

June 6, 1967

WILLIAM H. N. HATCHER - Ctd.

Where would they ride, Mrs. Henderson asked?

They would perhaps use some land in the 8400 block of Lewinsville Road belonging to the Catholic Church, Mr. Hatcher replied, or the Moore property adjoining.

Mr. Barnes objected to renting horses to individuals as he felt it was not good for the horses. Mr. Hatcher agreed to withdraw that statement, and said he would not rent them to individuals. He said there are ten horses on the property now, seven of his own, two of Mr. Bullock's and one belonging to Mr. Barlowe.

Mr. Smith said he felt that if the application were granted, access should be restricted ~~from~~ to Route 7 with no entrance or exit from Lewinsville Road. Also the number of animals on the property should be restricted to not more than fourteen horses.

(Mr. Baker arrived.)

Mr. Yeatman noted that a riding school on Route 50, a four-lane highway, was required to put in a service road before they could operate and this could be true in Mr. Hatcher's case. The State might require him to construct a deceleration lane or a service drive.

Mrs. Handy, owner of the property, stated that Route 7 is being widened but that all the land is being taken on the other side. Her driveway is off Route 7. It originally went all the way through to Lewinsville Road but because of trespassers and automobiles parking there at night, she had it closed off with a fence. If the application is granted to Mr. Hatcher, he could use the entrance off Route 7. When she moved on the property, Mrs. Handy said, the land was completely depleted. In 1959 she started this pasture and it has taken years to build up to what it is now. She was very happy when Mr. Hatcher approached her with his plans for the riding school as it was what she had wanted to do herself so she agreed to lease the property to him. The total property contains 16 3/10 acres and she has excluded her house and garden from the land leased to Mr. Hatcher.

Mr. Hatcher said there was a good supply of water from six springs on the property.

Mrs. Henderson questioned the source of water supply near the stable.

Mr. Hatcher replied that he hoped to be able to get a water line from Woodside Drive.

Mrs. Henderson read a letter from Mr. Barlowe in favor of the application; also a letter from the Bishop of Richmond's attorney stating that it should be made a matter of record that there is no agreement between the Church and Mr. Hatcher to use any portion of their property for riding purposes or otherwise.

OPPOSITION:

Mr. M. E. Davis pointed out that construction of a riding ring near Lewinsville Road would become an attractive nuisance to children in the area, vehicles would stop along the road to watch the horses, and he felt that this was not a proper location. He said residents in the area had counted as many as 13 horses on the Hatcher property. He said he was not opposed to horses or to the use of the pasture but the Fairfax County Zoning Ordinance says that special use permits may be authorized by the Board upon a finding that the use will not be detrimental to the use and character of adjoining residential land, and already the citizens in the area have been bothered by flies and stench from the horses. Mr. Davis located properties on the map which he represented in opposition to the application. Another objection was to the use of Lewinsville Road by additional traffic. It is already narrow, overcrowded and dangerous and with the additional volume of traffic it would be made even more hazardous. He felt that such a use was inconsistent with the FairfaxCounty Zoning Ordinance -- a commercial operation in a residential area.

Mrs. Henderson noted that she had received 18 letters in opposition to the application, many of them pointing out that there are horses on Brook Road on less than two acres.

Mr. Davis again said that he did not object to horses, nor to using the pasture for horses, but he objected to concentration of animals in one spot, such as the riding ring, as he felt this would result in increased odor and flies.

WILLIAM H. N. HATCHER - Ctd.

Mr. Barnes said he did not agree with Mr. Davis' statements about flies being increased as Mr. Hatcher would have to keep the area clean. He would have to dispose of the manure.

If the Board does approve the application, Mr. Davis continued, the citizens request that it be approved on the basis and the requirement that entrance and exit be from Route 7, not from Lewinsville Road, and that the entire operation with respect to stables, parking, etc. be located off Route 7 rather than Lewinsville Road. The ring should not be closer than 200 ft. back from the fence along Lewinsville Road.

Mr. Newton said he had noticed the increased flies since it had become warmer; they never had this problem before the operation began. He said he felt that the horses constituted a danger to children in the area and at times had been loose when the gates were left open. Cars have been seen parking on Lewinsville Road so people can watch the horses and sometimes it is almost impossible to get by them.

Mr. Sparrow, owner of property directly opposite the Handy property, said that if the application were granted, he hoped Mr. Hatcher would employ a teacher of age as he had heard that the school would be run by Mr. Hatcher's daughter who is 13 or 14 years of age. He, too, had noticed the increased amount of flies since the operation started. He did not agree about the adequate water supply to the property; the water flowing under Woodside Drive is surface water, he said.

Mr. Rutherford stated that his main objections were to the stench and flies. Even though his property is more than 60 ft. away, he can still smell the horses. He said he had seen three horses running loose this past week end.

Mr. Gordon, adjacent property owner, said he had been approached by Mr. Hatcher and had said he was in favor of the operation, but unfortunately he found out that all the details had not been explained. After further investigation, he felt that it would be impossible for him to be in favor of this sort of venture. He has lived in this area for 39 years and wishes to continue living here and he felt that Mr. Hatcher's operation could easily develop into a nuisance. If granted, he felt the number of horses should be limited.

Mrs. Newton related two occasions when she had seen the horses off the property, running loose in the road and across people's yards.

Twenty people stood in opposition.

Mr. Hatcher said that a horse had stepped on one of the girl's foot and she had accidentally let him out of the gate; he was put back in the pasture within ten minutes.

Mrs. Henderson said she felt that Mr. Hatcher's plans were very vague; he should present much more definite information as to use of the school; who is going to operate it; who will be responsible for it; who is going to teach. Also, since the Health Department did not have full details on the operation, they could not give specific comments, therefore Mrs. Henderson felt the application should be deferred to allow Mr. Hatcher to get further information, and for the Board to view the property.

Mr. Baker moved to defer to June 13 for Health Department report regarding water supply, sewage disposal, fly Breeding, disposal of wastes from the horses, etc. and to check with the Highway Department regarding an entrance off Route 7. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX COUNTY ACTIVITY CENTER FOR RETARDED YOUNG ADULTS, to permit operation of an activity center for retarded young adults in Sunset Hills Baptist Church, 3500 Franconia Rd., Lee District (R-12.5)

Mrs. Flemming and Mrs. Dwyer were present in support of the application.

Mrs. Flemming described their plans as follows -- they would like to have a training program for retarded young adults and a recreation and physical development program; they would like to operate from 9 a.m. to 2 p.m. daily, year round, on a tuition basis, five days a week, beginning July 3 of this year. This will be an activity center, not an academic program. They will be doing activities for leiaure time, to develop their self-care potential, crafts, grooming, physical education, domestic skills, etc. Students would be age 16 and over and most of these would be coming from their homes. In Arlington County where they started their first center, they deleted the word "young adult" as they had one 40 years old. This would operate under the Northern Virginia Association for Retarded Children, supported by United Givers and County funds. Maximum number of students would be 30. Tuition would be $30 a month, not

including transportation. They would not provide transportation.

Mr. Smith felt that this was a "community use".

Mrs. Henderson said it should be a "school of special instruction" but the definition of "school" exclusively excludes schools for mental defectives.

Many of their individuals are multipally handicapped with blindness, etc., Mrs. Flemming said. They have an admissions board consisting of volunteer professional people in the area to act as an advisory committee. There will be some outdoor physical activities but the nature of these will be tied to the individuals they get. The space is being rented from the church -- this is not a church sponsored activity.

No opposition.

Mr. Smith moved that the application of Fairfax County Activity Center For Retarded Young Adults, to permit operation of an activity center for retarded adults in Sunset Hills Baptist Church, 3500 Franconia Road, Lee District, be approved under Section 30-7.2.6.1.3 of the Ordinance, for a maximum number of 30 participants at any one time. Application will take effect immediately upon qualifications by the applicant to the Zoning Administrator not later than July 1 if they can comply with all other provisions of the Ordinance. Hours shall be from 9 a.m. to 2 p.m., five days a week. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery and kindergarten; maximum 80 children; ages 3-5, hours of operation from 9 to 1 and 1 to 4, 7901 Heritage Drive, Falls Church District (RM-2)

Mrs. McConnell said they would like to extend their school into the Annandale area to ease their bussing situation. They are renting the five rooms from the church to be used for the school. There would be morning and afternoon sessions from 9 a.m. to 1 p.m. and from 1 p.m. to 4 p.m. First grade would operate from 9 to 1. There would be a maximum of 80 students on the property at any one time, 20 to a classroom. The large room will be used as an activity room.

A letter from the Leary School, Inc. was read expressing opposition because the proposed school was not located in a commercial shopping center. Mr. Leary felt that Mrs. McConnell would have an economic advantage over him by operating in the church.

Mr. Smith pointed out that Mr. Leary went into the commercial zone on his own choice; he did not apply to this Board for a permit in a Church.

A letter was read from Mr. and Mrs. David Dozelle approving the application.

Mrs. McConnell said her school had been in operation for three years, and Mrs. Bailey added that her office had received no complaints.

No opposition.

Mr. Smith moved that the application of Accotink Academy, application under Section 30-7.2.6.1.3 of the Ordinance, be granted to permit operation of nursery and kindergarten, and first grade, maximum of 80 students at any one time, ages 3 to 5; hours of operation from 9 to 1 and 1 to 4; five days a week; 7901 Heritage Drive, Falls Church District, and that all other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY, application under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of public skeet and trap shooting facility with snack bar, professional shop for sale of equipment and incidentals and club house, south side of Route 66 at Cub Run, Centreville District (RE-1 and Public land)

(Deferred from May 9 to view the property and conduct further noise tests.)

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Ctd.

Mrs. Henderson said she did not think she had had an answer to her satisfaction as to why this is the only location for this facility.

Mr. Hobson explained that there are two basic answers to that -- one is a physical reason. A topography study of the area where they plan the shooting center and the area over which they plan to shoot shows this is a low area and certain portions of it are under water three months a year. This would make it undesirable as a camping ground. As a shooting area firing will be done over the low semi-marsh area. The second point is that the Park Authority has by application to the Bureau of Outdoor Recreation applied for funds for the development of a camping area and had to specify the area, where the facilities were to be located. The application was approved; the funds were let and they are ready for construction. They did explore another area but found they would not be able to fire in the proper direction -- skeet and trap must fire in a northerly direction.

At the time you made application for funds to develop the camping site, did the map show this skeet shooting facility, Mr. Smith asked?

No, Mr. Winslow replied.

Mr. Hobson described the shooting tests conducted on the property to determine the amount of noise from this operation. The shots heard at the Church property on Compton Road were only a mere fraction of shots which were actually fired; the shots could be heard inside the Smith home but it was hard to say what they were and they were listening intently. During the moving car tests, Mr. Hobson said he could hear nothing.

Mr. Yeatman said he, too, heard nothing and his car windows were down.

Mr. Hobson continued that they planned to operate seven days a week including Sundays. Other shooting centers have shown that Sundays are a significant part of volume of business.

Mrs. Henderson said she did not feel that the Board had any business dictating what some people do on Sunday mornings, but she did feel that the operation should not begin before 8 a.m. -- it should not be 7 a.m. as originally mentioned.

Mr. Jack Rodin said they had found their best grounds lie 250 ft. farther to the rear so this would mean they would be farther away from Route 66 if the application is granted.

Mr. Smith felt that possibly the noise factor was reduced at this time of year due to the trees being almost completely leaved out; he feared that during winter months perhaps the noise would be greater.

Mr. Paul Smith is the closest resident, Mrs. Henderson said, and after being on the property and listening to the shooting, she did not feel that the noise would bother him. If she had not been straining to hear the shots from the Park property, she would not have heard the noise.

Mr. Hobson stated that the Park Authority will plant 10,000 pine seedlings in the area along Route 66 in the open area -- these will be in existence winter and summer and will prove an additional deterrent in noise from the shooting center.

January and February are bad months for a shooting center, Mr. Rodin said, and the shooting is practically nil; there is less shooting during the winter. Fall and spring are their prime months. There are a good number of clauses in their lease restridting their operation, and the Park Authority is very well protected, Mr. Rodin said. This is the only practical piece of land which the Park Authority owns, for this use.

Mr. Paul Smith stated that he and his neighbors are still in opposition to the application. However, they wish to thank the Board for coming out and listening to the shooting tests before making a decision. The wind was blowing from the north on the day the tests were made and that was in favor of the applicants. Had the wind been blowing from the south, the noises would have been louder. Also, he checked with his mortgage company and they told him that his property would be depreciated by this operation, and they had compared it with Manassas Raceways where homes nearby cannot get much money for a loan. If the noise bothers him, he said he would be back for some kind of use permit for his property and he did not think the Board could deny it.

It seems that the Dulles flight pattern is much more detrimental to the Smith property than the shooting, Mrs. Henderson said, and she did not see how a race track could be used as a comparison.

Mr. Dan Smith said the Board has no control over flight patterns, and the planes were flying when Mr. Smith moved out there, but this is no reason to heap additional noises upon the citizens in the area. He said he would like to defer the application so the Park Authority could acquire more land.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Ctd.

Mrs. Henderson said she had given much consideration to the noise factor -- the existing noise factor greatly negates the noise factor from the proposed operation. This will not increase the noise; it will not even be heard for the other noises. She asked what would be taking place in the professional shop?

Mr. Hobson said there would be a snack bar for vending machine sales, selling cigarettes, cold drinks, hot drinks (coffee, soup, hot chocolate), candy, assorted cakes and cookies and sandwiches. In the pro shop they would sell items specifically related to skeet and trap shooting: gun cases, shell pouches, belts, shooting gloves, shooting glasses, shooting vests, coats and jackets, hats and caps, skeet and trap guns and equipment, and books related to shooting sports.

Mr. Yeatman moved that the application of Northern Virginia Regional Park Authority and Jack J. Rodin and Douglas C. Wendt, Lessees, application under Section 30-7.2.8.1.3 of the Ordinance, to permit operation of a public skeet and trap shooting facility with snack bar, professional shop for sale of equipment and incidentals related to skeet and trap shooting only, and club house, be granted -- snack bar limited to vending machine sales only, south side of Route 66 at Cub Run, Centreville District, provided the location of the operation is moved back 200 ft. as shown on plat dated March 27, 1967; that all other provisions of the Ordinance must be met. Hours of operation 8:00 a.m. to 9:00 p.m. 7 days a week. Seconded, Mr. Baker.

Mrs. Henderson suggested that Mr. Yeatman include in his motion "removal of as few trees as possible from the property."

Mr. Smith wished to amend the motion to read hours of operation "8:00 a.m. to 8:00 p.m." and "no shooting on Sundays".

Mr. Baker felt that hours of operation should be "9:00 a.m. to 9:00 p.m."

Mr. Smith withdrew his suggestion and moved that hours of operation be 9:00 a.m. to 9:00 p.m. Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith moved to amend the motion to restrict the firing of guns to six days a week, hoping they would decide not to shoot on Saturday or Sunday. Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith moved that the applicant be required to provide 40 parking spaces before opening, with plenty of room for expansion if necessary. Also that all provisions of the site plan be met.

Mr. Hobson informed the Board that the Board of Supervisors had already waived certain site plan requirements for this facility, as outlined in a letter dated September 23, 1966 from Mr. C. C. Massey to Mr. Chilton.

Mr. Smith restated his motion -- that the applicant be required to provide 40 parking spaces before opening, of a dustless surface, and marked off and that all provisions of the site plan requirements be met except those waived by the Board of Supervisors in September. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson read the recommendation of the Planning Commission recommending approval of the application, with restrictions on hours of operation and serious consideration given to no Sunday operation.

In view of the recommendation of the Planning Commission, Mr. Smith said he hoped the applicants would give serious consideration to abiding by the day of week indicated here.

Motion carried 4-1, Mr. Smith voting against the application.

Mrs. Henderson added that she voted for the motion because she did not think the operation would have any effect on property across Route 66 and because she felt this would be an asset to the Park Authority property and to the overall County.

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FRANCIS P. WIEGAND, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition 10 ft. from side property line, Lot 148, Sec. 3, Ravensworth Grove, 7812 Heritage Dr., Falls Church District (R-12.5)

(Deferred from May 9 to view.)

Mrs. Henderson said she felt the addition could be accomplished without a variance.

By obtaining a 2 ft. variance, Mr. Wiegand said, he would be able to maintain a straight driveway rather than going into it diagonally, thus eliminating the necessity of building a 7 ft. retaining wall varying from 2 ft. to 7 ft. in height.

Mrs. Henderson pointed out that Mr. Wiegand could negate any hazard which he fears might exist by putting a railing across the top of the wall, tying in with the stairway, or bushes along the top; the only problem seems to be one of expense. Mr. Wiegand could have a 12 ft. garage without a variance.

Mr. Barnes moved that the application of Francis P. Wiegand, application under Section 30-6.6 of the Ordinance, to permit erection of addition 10 ft. from side property line, Lot 148, Section 3, Ravensworth Grove, 7812 Heritage Drive, Falls Church District, be denied because the applicant can put a garage and porch on the land and stay within the proper setbacks. Seconded, Mr. Baker. Carried 4-0 (Mr. Smith out of the room.)

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JAMES LITTLE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 3.5 ft. from side property line, Lot 5, Sec. 3, City Park Homes, 3008 Marshall Street, Falls Church District (R-10)

(Deferred from May 23 to view.)

The houses are identical, Mrs. Henderson said, and are all located on very narrow lots. There is no topographic difference in this house and all the other houses in the neighborhood and if they all did the same as Mr. Little requests, they would only be about 6 ft. apart.

Mr. Little said he could have a 9 ft. carport but he only wished to make it a little larger.

Mr. Smith moved that the application of James Little, application under Section 30-6.6 of the Ordinance, to permit erection of carport 3.5 ft. from side property line, Lot 5, Section 3, City Park Homes, 3008 Marshall Street, Falls Church District, be denied for the following reasons: The Board of Supervisors recently approved an amendment to the Ordinance to allow the applicant to construct a carport within 5 ft. which gives an additional 5 ft. Without this amendment the applicant would not have been able to construct any kind of carport to meet minimum needs. The Board would be very reluctant to go beyond the minimum requirements set by the amendment. Also, this situation of not having room to build a carport pertains throughout City Park Homes. Seconded, Mr. Barnes. Carried unanimously.

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DR. E. LAKIN PHILLIPS, application under Section 30-7.2.6.1.3 of the Ordinance to permit operation of private school, elementary age children with learning defects, 20 children maximum, hours of operation 9 a.m. to 3 p.m. five days a week, Lots 4, 5, 6 and 39, Block 4, West McLean, 1530 Chain Bridge Rd., Dranesville District (R-12.5)

(Deferred from May 23 for reports from Health Department, Fire Marshal, and Building Inspector.)

In view of the reports received, Mr. Smith moved that the application of Dr. E. Lakin Phillips, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, elementary age children with learning defects, be approved for a maximum of 20 children; hours of operation 9 a.m. to 3 p.m. five days a week, Lots 4, 5, 6 and 39, Block 4, West McLean, 1530 Chain Bridge Road, Dranesville District. All other requirements of the Health Department, Fire Marshal and Building Inspector shall be met. Hours of operation shall not conflict with the tutoring operation being conducted on the property. The total of 9 parking spaces still pertains. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith moved to grant the request of CITY OF FALLS CHURCH to extend their application for water storage tank to June 14, 1968. Seconded, Mr. Barnes. Carried unanimously.

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June 6, 1967

The Board discussed the problems regarding the SOMERSET OLDE CREEK RECREATION CLUB. Mr. O'Carroll, adjacent property owner, agreed to allow the Club to operate this season without having to construct the fence, however, at the first sign of trespassing by pool users, the Board will require the fence to be erected. Mr. Will, President of the Club, will contact adjacent property owners about holding teen functions one night per month at the Club during the summer and present dates for the request to the Board on June 13.

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BREN MAR RECREATION ASSOCIATION, INC. - Mr. Smith moved that Bren Mar Recreation, Inc. be required to replace the same number of parking spaces on their property that are being taken by the Highway Department, this meaning that the parking as indicated in the granting of the use permit must be adhered to in some other area under the Association's ownership; that the new parking lot and roadways will meet present County standards which have changed since the original granting of the use permit. Seconded, Mr. Baker. Carried unanimously.

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Mr. Smith moved that the VIENNA SUMMER PLAYHOUSE be allowed to extend their use permit for a period through September 1967; that the Playhouse be notified that due to numerous extensions granted by this Board the Board feels it is now appropriate to take a full review of the application with consideration given to granting it for a longer period of time than one year. The applicant will have to make application and appear before the Board before operation in 1968. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 6:20 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

July 6, 1967 Date

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June 13, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, June 13, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

PRINCE WILLIAM ELECTRIC COOPERATIVE, application under Section 30.7.2.2.1.2 of the Ordinance, to permit erection and operation of a power substation on South side of Lee Highway, approx. 500 feet west of Cub Run, Centreville District (RE-1)

Mr. R. B. Hix, General Manager of Prince William Electric Cooperative, in Manassas, Virginia, which is a utility public service, stated that the State of Virginia passed a law in 1954 which assigned to them part of Fairfax County to serve whatever demands of electricity were necessary. The company will serve parts of Fairfax County (between Centreville and the western end of the County) from London Towne subdivision, and because of the new building growth in this area, this substation will be necessary. There are alternate plans they could use: one would be to come from the west with a transmission line or from the east with the same. But they do not feel that either of these would be a practical idea at all. The problem is to tap this transmission line and thereby not add any new transmission line in the County. They want to take the line to Rt. 29-211 and tap into a line they have there. They don't want to create anything unsightly so there is a 30 ft. natural screen of growth (pines, oaks, etc.) on the western side and also on the eastern side. This operation would be known as a center-feed type of operation. A person travelling the road would not be aware of the substation at all. They will agree to place an adequate protective barrier around the roadway to keep out any undesirable people coming back there to park, drink beer, etc. Mr. Frank, owner of the adjoining property, requested that they build a fence on the property line and they will be glad to do this exactly as Mr. Frank wishes.

Mrs. Henderson asked if the company had any other substations in Fairfax County.

Mr. Hix replied, yes, they did; Harrison Substation between Centreville and Bull Run.

Mr. Smith asked if they had boosted their substation recently.

Mr. Hix referred this question to Mr. Harry Bowman, Senior Engineer of Prince William Electric Cooperative, who replied that no, Virginia Electric Power Company was the one who had boosted.

Mr. Smith asked who the owner of the land was where the barrier was to be constructed.

Mr. Hix replied that the Presbytery of Washington Church owns the entire 20 acres east of VEPCO.

Mr. Yeatman asked if the maximum amount of 110,000 volts of current would be enough for all electrical requirements.

Mr. Hix said,yes, that as far as they can foresee at this time that shall be plenty.

Mr. Smith asked what the height of the highest pole would be.

Mr. Hix replied between 30 and 35 feet would be the maximum. The trees (pines) are in excess of 35 feet in the natural screen in the front.

Mr. Smith wanted to know the width of the area for the roadway.

Mr. Hix said that it would be 30 feet and a 6 ft. chain link fence would be erected around the area (plus 18 inches of barbed wire at the top). They will build a 4 ft. rustic wood fence on the front of the property.

Mr. Smith asked if there would be a gate to the entrance to the road.

Mr. Hix said that they would be put two chains between two poles set in concrete at the entrance.

Mr. Smith asked how old are the conductors that are in there now.

Mr. Hix replied about 18 years old and they hope not to have to replace them for some years to come.

Mr. Smith wanted to know if there were any complaints with radios and TVs interference in the area.

PRINCE WILLIAM ELECTRIC COOPERATIVE - Ctd.

Mr. Hix said no, not to their knowledge, not even to car radios as they pass, or to ham radios either. They do not experience any complaints from line noise at all.

Mrs. Henderson asked how many parking spaces would be required.

Mr. Hix replied four at the most and usually just two. The parking area would be of crushed bluestone gravel.

Mrs. Henderson said that since they would need a site plan for the area why didn't they go ahead and dedicate land for the future construction of a road now proposed. She also said that the Planning Commission had voted to approve this application.

Mr. Smith moved that the application of Prince William Electric Cooperative, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of a power substation, on South side of Lee Highway, approx. 500 feet west of Cub Run, Centreville District, (RE-1), with an area of approx. 2.5 acres, be approved under the following conditions: that the applicant construct a fence in accordance with the desires of Mr. Frank, owner of the adjoining property, that there be a substantial barrier consisting of a chain link fence on the entrance to the road, that the applicant dedicate land for the future service road, that the area for the roadway be as narrow as possible, that they leave as many trees as possible, and that they allow four parking spaces. Seconded, Mr. Barnes. Carried unanimously.

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BRADDOCK CORP., application under Section 30-6.6 of the Ordinance, to permit erection of a shelter building, bus stop 10 feet from Street property line, corner of Braddock Road and Cranoke Street, Centreville District, (R-12.5)

Mr. Robert Bederson of Braddock Corp., stated that this building is both ornamental and practical in value. It is a 6 ft. wide structure with a copper roof. It is situated at the entrance to the subdivision, Chalet Woods. They have model homes up at this time. The models are 100 feet from the proposed bus stop structure. The bus stop will be used as beautification now. Braddock Road will be widened and the road going into the subdivision, Cranoke Street, is finished.

Mrs. Henderson said that this appears to be more than 10 feet from Cranoke Street.

Mr. Bederson replied that there is a low brick wall 25 feet from both roads.

Mr. Baker asked if they would anticipate any buses going down Cranoke.

Mr. Bederson said that the school bus will come down Cranoke Street and regular buses will come on Braddock to Cranoke. The houses are being built on 1/4 acre lots.

Mr. Yeatman stated that he felt that this is more for ornamental use than for a bus stop. He asked if the wall would detract from the view of the property on the corner.

Mr. Bederson replied no, that it was too low.

Mr. Baker wanted to know how high the bus stop would be.

Mr. Bederson answered about 8 ft. with a peaked roof. There will be shrubbery arranged around it, and all in all it will be very attractive.

Mrs. Henderson wanted to know if the area for the bus stop would cut off from the property on Lot 1.

Mr. Bederson replied that now it would be part of Lot 1 and if it does interfere with construction of the lot they will take it down.

Mr. Smith asked who will maintain the building. He said he thinks that is should be established now who will take care of it.

Mr. Bederson said that Lot 1 being the last house to be constructed in the project, at that time they will either take it down or leave it and Lot 1 will not be responsible for it.

Mr. Smith said after hearing this that he thinks that this is just a design to promote sales in the subdivision and not for any real practical uses.

Mr. Bederson said that the subdivision will not be completed for four years and if at all possible they will keep the building permanently.

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BRADDOCK CORP. - Ctd.

Mr. Smith moved that the application of Braddock Corp., application under Section 30-6.6 of the Ordinance, to permit erection of a shelter building, bus stop 10 feet from Street property line, corner of Braddock Road and Cranoke Street, Centreville District, (R-12.5), be deferred until July 18 for clarification of where the structure will be and what the design of the building will be, and whether the building will be permanent. Seconded, Mr. Barnes. Carried unanimously.

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WESTGATE CORP., application under Section 30-6.6 of the Ordinance, to permit erection of a wall 6 feet high, Phase Three Bldg. T.H.3, The Commons, Dranesville District, Old Chain Bridge Road, and Anderson Road, (RM-2)

Mr. Charles Ewing, Vice-President of Westgate Corp., opened his remarks stating that the application is concerned with Bldg. No. T.H.3. The Building is an eight-unit Townhouse for rental which has the front facing Chain Bridge Road. The purpose of the 6 ft. wall is to screen the residents from the road and to keep the children from wandering into the traffic. The wall will be of 8-inch block and will serve as a patio wall for each of the units. These are 3-stories (split-level). The wall will help retain the soil. There will be a walk-way of grass in the State right-of-way about 7 ft. to the wall.

Mr. Smith asked if they had any plans for trash disposal.

Mr. Ewing replied that there is a screened-in partition of each patio and the trash men come in the back and then carry the trash along the walk to the truck.

Mr. Yeatman said that he thought the wall is a very good idea.

Mr. Smith moved that the application of Westgate Corp., application under Section 30-6.6 of the Ordinance, to permit erection of a wall 6 feet high, Phase Three Bldg. T.H 3, The Commons, Dranesville District, Old Chain Bridge Road and Anderson Road, (RM-2), be approved as applied for with the stipulation that the trash removal be arranged so that traffic will not be impeded, that there will be a gate for each unit, and that all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES BROWNSON, application under Section 30-6.6 of the Ordinance, to permit erection of a swimming pool 9 feet from side property line, Lot 2, Block M, Yacht Haven Estates, (4748 Neptune Drive), Mt. Vernon District, (RE-0.5)

Mr. Brownson said that his house is under construction now, and the reason for the request if because of the set back on the lot and the abrupt drop-off on the rear of the lot they will need a variance to construct the pool. The Manshure's house on the adjoining property is 20 ft. from the lot line.

Mr. Yeatman asked what kind of fence would be built.

Mr. Brownson replied that a woven redwood or bamboo fence of 4 ft. height would be built. (They do not want to put a 6 ft. one because it would obstruct their view of the river).

Mrs. Henderson asked what the drop-off of the lot is.

Mr. Brownson answered that it is about 26 ft., and the length of the pool is 35 ft.

Mr. Umholtz of Sylvan Pools stated that if the pool were moved 12 ft. from the existing sun porch they would not be on virgin soil. He said that the plan they have now is the best one they could come up with so far. From a construction standpoint, to move the pool would make the cost prohibitive.

Mr. Smith asked what would be objectionable about turning the pool around or making it sideways. He said that the applicant can built the pool right on the house if they could be in accordance with the Ordinance.

Mr. Edward Manshure of the adjoining property stated that he had no serious objections to the placing of the pool in this location except that it practically puts the pool in his back porch He also believes that this pool will kill both his large oak tree and Mr. Brownson's which are located at the rear of the lots. He feels that there is no reason that the pool can't be located on the level part of the bulkhead. He also represents the feelings of Mrs. Chisom of the property across the street, and Dr. Merrick who lives adjoining the Chisoms.

CHARLES BROWNSON - Ctd.

Mr. Smith said that he didn't think Mr. Manshure would lose the oak tree, but that maybe Mr. Brownson would.

Mrs. Lester Chisom of 4743 Neptune Drive stated that she supports Mr. Manshure fully and she feels that the pool as applied for would detract from the neighborhood.

Mrs. Carl Porter said that she feels that the placing of the pool on the bulkhead would be impracticable because of her own personal experiences.

Mr. Brownson stated that he had investigated building on the bulkhead quite thoroughly and was informed that he couldn't build on a flood plain. He said that he will try to re-design the pool so that it will set in there in accordance with the Ordinance.

Mr. Smith moved that the applicant, Charles Brownson, application under Section 30-6.6 of the Ordinance, to permit erection of a swimming pool 9 ft. from side property line, Lot 2, Block M, Yacht Haven Estates, Mt. Vernon District, be allowed to withdraw with prejudice. Seconded, Mr. Barnes. Carried 4-1. Mrs. Henderson voted "no" because she did not feel that such a motion was proper in view of the lengthy testimony AND THAT DENIAL WAS THE PROPER PROCEDURE.

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DOUBLE J. CHRISTIAN SUMMER DAY CAMP, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a summer day camp, approx. 50 children, 9414 Atwood Road, Providence District, (RE-1)

Mrs. De Ramus, operator of the camp, stated that she proposes to look after children of mothers who work. There will be pony rides, games, and a time for christian fellowship of an hour or so. They will stick to the 6 - 12 age group, 9:00 - 4:00 hours of operation, five days a week from June 19th to August 25th.

Mrs. Henderson asked if they had facilities to run this operation.

Mrs. De Ramus replied yes, they have two porches and a den in case of inclement weather. They are now in the process of fixing the garage for this purpose and would like a temporary permit to operate in the house. They are having a plumber and electrician work to have the garage meet all County requirements.

Mr. Smith asked if they had any horses.

Mrs. De Ramus answered that they have 10 and that there will be a paddock behind the garage for the children's safety. No transportation will be provided for the children.

Mrs. Henderson asked if Mrs. De Ramus fully understands that she can not use the garage until it has been thoroughly inspected.

Mr. Smith moved that the application of Double J. Christian Summer Day Camp, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a summer day camp, 50 children ages 6 - 12, hours of operation 9:00 a.m. to 4:00 p.m., from June 19th to Labor Day 1967, 9414 Atwood Road, Providence District, (RE-1), be approved under the condition that she use her home until such time as the garage is approved, that the Board ask the Board of Supervisors to waive the site plan requirement because the permit is only temporary, and that all parking and discharging of passengers shall be on the premises in accordance with the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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JOHN MAGYAR, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 13.6 feet from side property line, Lot 15, Section 1, Shirley Acres, 9516 4th Place, Lee District, (RE-1)

Mr. Magyar said that the garage that he is proposing is going to be 34 ft. long but on the house end there will be a 10 ft. breezeway so it will really be 24 ft. from garage end; they want to use the 4 ft. for storage space and a garden tractor he is planning to buy. They have set the house back 65 feet to preserve the trees and keep the natural look, and most other houses in the area are only 50 ft. It was suggested that they move the garage back 12 more feet but that would cut off their garden.

Mrs. Henderson asked how they could justify a 2-car garage. Lots of people have 2 cars but have a one-car garage.

Mr. Smith said that Mr. Magyar owned Lot 14 and has a rental house there.

Mrs. Henderson said that this is a maximum request and the Board really only deals with minimum requests.

JOHN MAGYAR - Ctd.

Mr. Smith said that the fact remains that there are two distinct lots and he thinks that the proper approach would be to cut off from the other lot to make them more equal and then there would be no need for Mr. Magyar to request a variance.

Mr. Smith moved that the application of John Magyar, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 13.6 feet from side property line, Lot 15, Section 1, Shirley Acres, 9516 4th Place, Lee District, (RE-1), be deferred until such time as Mr. Magyar can ascertain whether the parcel of land he is on now and the one he owns right next to it can be more evenly divided (the frontage) so he can build without requesting a variance, and that he instruct the Zoning Administrator to put the application back on the Agenda when he does get the information. Seconded, Mr. Barnes. Carried 4-1. MRS. HENDERSON THOUGHT THE APPLICATION SHOULD BE DENIED.

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WOODLAWN COUNTRY CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit extension of existing golf course, 4813 Old Mill Road, Mt. Vernon District, (Re-0.5)

Mr. Martin of the Woodlawn Country Club, Inc., stated that originally the permit was granted in 1961. They now propose to add another 9 holes to make it a regulation 18-hole golf course. They are adding approx. 33 acres to the existing permit. The School Board purchased 9 acres of the existing permit. There are 107 acres in all. These new facilities are remote from the club house and they may make a small pump house to care for the greens. The course is being engineered by an architect and it has not been decided where to place the pump house. They will take water from a stream in the area.

Mr. Yeatman asked if they would have automatic watering on the greens and fairways.

Mr. Martin answered only on the greens. The cost for the fairways would be prohibitive at this time.

Mr. Smith asked if everything they had there was already constructed.

Mr. Martin replied yes. In the original permit the owner was Rapid, Inc., but they sold to Woodlawn Country Club, Inc., which consists of stockholders. The only change actually was in the title of the property.

Mr. Smith moved that the application of Woodlawn Country Club, Inc., which became owner of the property, application under Section 30-7.2.6.1.1 of the Ordinance, to permit extension of existing golf course, 4813 Old Mill Road, Mt. Vernon District, (RE-0.5), be allowed to extend the existing golf course an additional 33 acres, there being a minus of 9 acres to the School Board, be granted non-transferable except under the mortgage clause, that the extension of this shall be in conformance with the original motion except for the building of a pump house. All other provisions of the Ordinance must be met. (Original motion was January 20, 1961). Seconded, Mr. Barnes. Carried 4-0. Mr. Baker abstained because he is a member of the Club.

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MRS. JANE HARDING, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school primary grades, ages 2 1/2 to 6 year olds, approx. 70 children, hours of operation 9:00 a.m. to 2:00 p.m., Lot 2, Rich-E-Land, (3400 Sleepy Hollow Road), Falls Church District. (RE-1)

A letter of June 6, 1967 asks to withdraw the application.

Mr. Yeatman moved that the application of Mrs. Jane Harding, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school primary grades, ages 2 1/2 to 6 year olds, approx. 70 children, hours of operation 9:00 to 2:00, Lot 2, Rich-E-Land, (3400 Sleepy Hollow Road), Falls Church District, be permitted to be withdrawn with prejudice. Seconded, Mr. Baker. Carried unanimously.

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WEDGEWOOD WEST ASSOCIATES, application under Section 30-7.2.6.1.1 of the Ordinance, to permit activities such as art classes, bridge games, ping pong, teen dances once a month for tenants of the apartments only, Wedgewood West Apartments, 7615 Allman Drive, Falls Church District, (RM-2)

Mr. Jerold J. Rosenthal, one of the owners of Wedgewood West, said that they are presently developing a community off Rt. 236 of 427 units of apartments, including 15 townhouses. When they built they realized the need for activities for the tenants. They built a room for such tenant activities. They feel that tenants should have room for such group activities as bridge lessons, art classes, lectures, table tennis, etc. This

room is non-profit, for tenants only. The room is 25 x 65 ft. and is separate from any apartments and is completely insulated. The room is within walking distance of all the apartments so there will be no requirements for extra parking.

They have hired a social director (a woman) to supervise activities. The room can be divided to make two smaller areas so that two different activities can go on at the same time. The use of the room is included in the rent with the exception of special uses such as birthday parties.

Mr. Smith asked if the operation of the room is under the control of the owners at all times.

Mr. Rosenthal replied, yes, through the management and the social director. They will not serve any alcoholic beverages at all. They didn't realize that they would need a use permit for this because this is a fairly common thing in apartments in this area.

Mr. Smith asked if they realized that they could not lease this room out to any other groups at all.

Mr. Rosenthal replied, yes, they did realize; in fact, they had already been approached and had refused such an approach. Also, they will have no sales of any kind in the room (no vending machines, etc.). They allow no children in the room without some adult in attendance at all times.

Mr. Yeatman moved that the application of Wedgewood West Associates, application under Section 30-7.2.6.1.1 of the Ordinance, to permit tenant activities, such as art classes, bridge games, ping pong, teen dances once a month for tenants of the apartments only, Wedgewood West Apartments, 7615 Allman Drive, Falls Church District, (RM-2), be approved and all provisions of the State and County Code must be met. Seconded, Mr. Barnes. Carried unanimously.

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DRAYTON TYLEE, application under Section 30-6.6 of the Ordinance, to permit erection of four dwellings closer to street property lines and side property lines than allowed by the Ordinance, Lots 24 thru 32, Block F, Weyanoke, on 4th Street, Mason District, (Re-05.)

Mr. Tylee stated that he wants to get a permit to build with 10 ft. side set backs. This subdivision was subdivided back in 1927 when they didn't have the 1/2 acre set back of 20 ft. He plans to extend 4th Street down in there by the lots. He has to put in 450 ft. of sewer, 440 ft. of water, which comes in from 3rd Street. ~~The width of the lots will be on~~ THE HOUSES ARE PLANNED FOR 25 ft. front set backs.

Mr. Smith asked what the reason was for the 25 ft.

Mr. Tylee replied that they had to shift ~~it~~ from 60' because of the rough terrain. 4th Street will dead end by the last house he builds in there. The houses will be in the $22,000 range with three bedrooms and no garage. Two of the houses will have a retaining wall between them as will the other two.

Mr. Smith asked if Mr. Tylee had contracted to sell the houses yet.

Mr. Tylee said no, because he is the builder. The main reason he wants to have the 25 ft. set back is because there are others in the area with the same set back and they would then conform with these.

Mr. Smith said that he thought that it should be a minimum of 30 feet.

Mr. Rudy Meakins, owner of the lots which are under contract to Mr. Tylee, said he had an approved set back of 20 feet on the side and of 25.5 ft. on some of his other houses passed in 1966. A history of Weyanoke subdivision shows people building on these size lots. He feels that Mr. Tylee can build really nice houses if allowed this variance.

Mr. Adolf Owens, property owner on 5th Street, stated that he does oppose the building of houses on these smaller lots. He has a house on a lot the size of which Mr. Tylee proposes to build four. He doesn't think that if this variance is granted that it will help the neighborhood. He has lived at this location for 15 years.

Mr. Yeatman asked if Mr. Owens had sewer on 5th Street.

Mr. Owens replied yes, they have both sewer and water.

Mr. John A. Marsh, builder of homes in the area, stated that when you have lots so close to each other you will develop a problem of off-street parking, because there will be no place for the owners to park He feels that it would be an injustice to the other land owners to have this variance granted.

Mr. Smith asked Mr. Knowlton if these houses would be required to have off-street parking.

Mr. Knowlton answered yes, they must.

Mr. Berrit Sanborn, owner of Lots 33 - 38, said that the question to him is that Mr. Tylee has 8 or 9 lots, and the houses that he has just built had to have water brought in which cost him $14,000. He thinks that the cost of bringing in the sewer, water, etc., makes it prohibitive to build just one or two houses on such an amount of land.

Mrs. Henderson read a letter from Mr. Kalchef who is in opposition to this unless Mr. Tylee can open 4th Street.

Mrs. Mark Bush, property owner next to Mr. Owens, said that she objects to the building of four homes. They would like to see just two houses of more cost.

Mr. Yeatman moved that the application of Drayton Tylee, application under Section 30-6.6 of the Ordinance, to permit erection of four dwellings closer to street property lines and side property lines than allowed by the Ordinance, Lots 24 thru 32, Block F, Weyanoke, on 4th Street, Mason District, be deferred for view of the property by the Board and that on 27 June there will be limited discussion and a conclusion. Seconded, Mr. Barnes. Carried unanimously.

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C.E. JOHNSON, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed 10.4 feet from side property line, Lot 13, Highview Terrace, (6446 Tucker Avenue), Dranesville District, (R-12.5)

Mr. Johnson stated that he is asking for a variance of 1.4 feet to permit a kitchenette (snack bar) with a little more room for his family. They have five children and eating in the dining room all the time is messy and inconvenient. They have lived in the house since October. The porch itself is 18 inches off the ground.

Mr. Smith moved that the application of C. E. Johnson, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed 10.4 feet from side property line, Lot 13, Highview Terrace, (6446 Tucker Avenue), Dranesville District, be approved as applied for. Seconded by Mr. Baker. Passed 4 - 1. Mrs. Henderson said that she was voting "no" because there is a difference between an owner who has moved in and his family grows as opposed to the family that moves in and already has a large number of children and expects to change the house then.

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DEFERRED CASES:

WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of a riding stable on the northerly side of Leesburg Pike, approx. 1/2 mile west of Airport Access Road, Dranesville District, (RE-1)

Mr. Hatcher said that he had letters from the Health Department and from Deidre E. Saunders and Phyllis W. Chewing, two riding instructors, as he was requested.

Mrs. Henderson asked what kind of barn he planned to construct.

Mr. Hatcher replied that it will be of modern design with 15 stalls; very attractive, built like the one at Storm Hill Farms. Due to the fact that many of the neighbors said they would agree to the operation if the barn were moved closer to Rt. 7, they would like to do just that. It will be down near the spring.

Mrs. Henderson asked how they were going to get into the property.

Mr. Hatcher said that he had a letter from the State Highway Department saying that an entrance may be constructed on Lewinsville Road. They also said that if the entranceway on Rt. 7 were widened they could have the entrance on Rt. 7.

Mr. Smith said that he would not vote for the permit if Mr. Hatcher uses the entrance on Lewinsville Road. He doesn't think it is good planning and he doesn't think the people on this road should be subjected to this.

Mrs. Henderson said that she doesn't think the entrance or the parking should be on Lewinsville Road. She wants to be assured that Mr. Hatcher will build something attractive.

Mr. Yeatman said that Mr. Hatcher's finances must be good to be able to afford this.

Mrs. Henderson read a letter from a neighbor of Mr. Hatcher's stating that they feel that this operation would add to the neighborhood.

WILLIAM H. N. HATCHER - Ctd.

Mr. Yeatman said that before the matter can be concluded Mr. Hatcher must bring in a plat showing where the barn will be situated, approval for an entrance on Rt. 7, a picture of the proposed barn and how many stalls.

Mr. Smith wondered if the Board could dispose of the matter on a contingency basis

Mr. Hatcher said that he would put up some iron posts with barbed wire between and signs stating that there will be no entrance from Lewinsville Road, only from Rt. 7.

Mr. Gordon of the adjoining property said that he would object only if Mr. Hatcher put too many horses on the proposed 100 ft. set back.

Mr. Sparrow, owner of the property across Lewinsville Road, said that if the stable were down near Rt. 7 he would have no objections to the operation, but he would request that an adult be present at all times. The horses must be kept in really good condition so that there will not be many flies and bugs

Mrs. Grigland, living across the street, stated that they did not want a commercial venture and they think this operation would be out of the question.

Mr. Smith said that this type of operation would be allowed in any amount of land over two acres be it commercial or residential.

Mrs. Bruin, property owner next to the Griglands, stated that they also object to a commercial venture.

Mr. Smith moved that the application of William H. N. Hatcher, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of a riding stable on the northerly side of Leesburg Pike, approx. 1/2 mile west of Airport Access Road, Dranesville District, be approved with the following restrictions: that there be a maximum of 15 horses, ponies, etc., at any one time, that there will be a 100 ft. restricted area to the rear of Mr. Gray's and Mr. Gordon's property, that no use be made of the strip in connection with the set back, that parking shall meet proper set back requirements and there shall be 25 parking spaces for use on the property, that there will be a stable to house the animals in the winter months, that health standards as to the water supply and sanitary disposal be met, that the entrance be from Rt. 7 with the drive now being used being improved to meet the State standards for this type of use, that the Board ask the Board of Supervisors not to waive the deceleration lane, that the hours of operation be limited from 8:00 a.m. to dark, that there be no entrance or exit from this property on Lewinsville Road, that the stable will be drawn to scale and resubmitted to the Board on the Plat, that all other provisions of the Ordinance must be met, and this must be submitted within 90 days from this date. Seconded, Mr. Yeatman. Carried 4 - 1. MRS. HENDERSON VOTED NO, BECAUSE IN HER OPINION THIS USE DOES NOT MEET THE STANDARDS FOR SPECIAL USES IN REZONES (30-7.1.1)

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FRANK LYNCH

A letter from Mr. Lynch requests that the permit be extended because of tight money and site plan problems. (GAS STATION AT OLD DOMINION - KIRBY RD)

Mr. Smith moved that the request of Mr. Lynch for an extension of one year from June 28, 1967 to June 28, 1968 be passed on the reasons stated in the letter. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM H. MC CONNELL

A letter from Mr. Mc Connell requests an extension of a year because they could not possibly be ready to construct this year. (ACCOTINK ACADEMY)

Mr. Smith moved that the extension be granted. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 5:45 P.M.
by Margaret Brundage

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

July 6, 1967 Date

June 27, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, June 27, 1967, in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

HERBERT J. & KATHERINE B. SANBORN, application under Section 30-6.6 of the Ordinance, to permit 25 ft. side yard setback from outlot 19B for any single family building now in existence or to be constructed, or expansion and remodeling of existing building in the event outlot 19B shall become a public street, Mason District, (R-12.5)

Mr. Richard Waterval, representing the applicants, stated that a recent re-zoning application was granted on the front and side of the land. The present Forest Drive will be closed off Rt. 7, and you will enter Forest Drive from George Mason Drive. Lot 19B will be formed by this change. Because of the change making the lot a corner lot, the setback must be 40 ft. The variance sought is not the difference between the previous setback of the lot of 25 ft. and 40 ft., but a 7 ft. setback variance because of the 20 ft. allowance. It would be impracticable to tear down the house on the lot and it would be impossible to move it so the Sanborns would like to have this variance. In their opinion it would be no detriment to anything else in the area. The only house that would be affected would be that of Mr. Johnson across the street.

Mrs. Henderson asked when these apartments were made.

Mr. Waterval replied recently, and that he had brought a petition signed by interested neighbors who would agree to the proposal. He also brought a topo to show exactly what they plan to do. He said that the design of the apartments was rather unique in that they will be built around a courtyard which will have all the activities of the units so very little noise will be heard elsewhere.

Mrs. Henderson asked what were the dimensions of the proposed building.

Mr. Waterval replied 17' x 24', and the main body of the building was built in 1950.

Mr. James, owner of Lot 9A, said that since the last Board meeting Mr. Waterval was asked to meet with the Forest Heights Citizens Committee about this and he has not done so. The road removal was a separate action to the re-zoning.

Mr. Goodsell, representing the Forest Heights Citizens, said the people in the community are offended because they were not met with and they feel they were slighted.

Mrs. Henderson said that the Board they referred to is separate from the BZA. She asked if they knew that the new road would come through outlot 19B.

Mr. James said that they way Mr. Waterval presented it is different from the original plan.

Mrs. Henderson asked if the decision for the road removal was on the same day as the re-zoning. She doesn't understand the apparent misunderstanding about where the road will be.

Mr. Woodsell said that it appears that there is no definite plan as to where the road will be.

Mrs. Henderson said that the main objection was to the placement of the road and not to the request for the variance.

Mr. Woodsell replied that they just felt that this request was premature.

Mr. Yeatman said that the topo shows the re-location of the water and sewer lines so that it looks like everything has been re-located. He asked how large George Mason Drive is.

Mr. James replied that it is more than 50 ft. wide.

In his rebuttal, Mr. Waterval said that there was a re-zoning hearing but the next agenda item was for the road re-location. On June 11, 1967 after a hearing on both issues in December the issues were decided.

Mr. Smith said that this is a situation solely created through this application for the street re-location, and there is no mention in this of creating a non-conformity.

Mr. Waterval said that a careful reading of the Statutes shows that any person can ask the Board of Supervisors for road re-location. The Board found that this would be the best and safest answer in this area.

Mr. Yeatman said that in other words he (MR. WATERVAL) is purchasing the land (19B) from the Sanborns.

Mr. Waterval answered that was right, and the Sanborns are not interested in any other property in the area.

Mr. Smith said that in other words the applicants would create the problem.

Mr. Barnes said that he disagreed with Mr. Smith.

Mr. Smith said that if the County or the State had made the acquisition he would not argue the point at all.

Mrs. Henderson asked what the possibility is of moving the road over ~~on~~ closer to Rt. 7.

Mr. Waterval said that it is possible but that it makes the parking situation bad for the tenants on the side.

Mrs. Hubbard, one of the neighbors, said that she thinks the Sanborn's house is one of the nicest in the area and that they would not like to see it taken down. Their objection is in the interest of safety.

Mr. Yeatman said that Mr. Waterval can build this road as a matter of right and Mr. Sanborn justs wants to conform.

Mrs. Henderson said that she would like to attach a condition to the request that ~~the~~ only addition to the building be permitted only to the north or to the east.

Mr. Smith moved that the Board defer final action until July 18, 1967.

Mrs. Henderson said that there is no second so the motion dies.

Mr. Yeatman moved that the application of Herbert J. & Katherine B. Sanborn application under Section 30-6.6 of the Ordinance, to permit 25 ft. side yard setback from outlot 19B for any single family building now in existence or to be constructed, or expansion and remodeling of existing building in the event outlot 19B shall become a public street, Lot 19A, Section 1A, Virginia Heights, 2541 Forest Drive, Mason District, be granted provided that no addition to the building shall be made on the south side, and that all other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried 4 - 1. (MR. SMITH VOTING NO)

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CHARLES S. FALLER & STANLEY S. ROSENWEIG, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school for day care, approximately 20 children, hours of operation 7:30 a.m. to 6:00 p.m.; 2236 Mohegan Drive, Apt. A-2, George C. Marshal Village Apartments, Providence District, (RM-2G)

Mr. Hobson, representing the applicants, stated that this application is for a child care or baby-sitting service which will be run by the apartment management. The objective is to serve tenants of the apartments only. They will employ licensed child-care people. Mrs. Viola Johnson will run the school. We are talking about one ground-floor apartment which will have a fenced yard and which backs up on woods. They received a letter from the Health Department which states that they will need supplemental fire extinguishers, which they will do. The ages will be infants to 5 years old.

Mr. Yeatman asked if there will be any extra fee for this.

Mr. Hobson said yes, there will be.

Mr. Smith said that he thinks that this is an excellent idea. He moved that the application of Charles S. Faller & Stanley S. Rosenweig, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school for day care, with a maximum of 20 children, ages birth to 6 years old, hours of operation 7:30 a.m. to 6:00 p.m.; 2236 Mohegan Drive, Apt. A-2, George C. Marshall Village Apartments, Providence District, be granted, and that the applicant's management company shall operate the nursery and the nursery must meet all County requirements for a day care nursery. Seconded, Mr. Barnes. Carried unanimously.

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GULF OIL COMPANY, application under Section 30-7.2.10.2 of the Ordinance, to permit operation of a gasoline service station, Lot 1, Russell C. Wood, at the intersection of Woodland Road and Route 236, Falls Church District, (CDM)

Mr. Hobson is representing the applicant.

GULF OIL COMPANY - Ctd.

Mr. Yeatman asked what type of service station would be built.

Mr. Hobson replied that it would be a brick ranch-type station.

Mr. Baker asked, after viewing pictures of the proposed station, if they would put on canopies.

Mr. Shrader, representative of Gulf Oil, said no, that it is a question of cost (usually $13,000) and also some of the trucks on Rt. 236 would be too large to set under the canopy.

Mr. Hobson said that Gulf Oil will dedicate and build a service road by the station.

Mr. Maurice Olson, treasurer of the Annandale Recreation Center, stated that they do not feel that there is a need for more service stations in the immediate area and they would object to the greater volume of traffic created by this new station.

Mr. Smith asked if they didn't consider a service station a legitimate business.

Mr. Olson replied that of course they did, but they don't feel that there is a need for more service stations in that area, particularly if it becomes junky with old cars, oil cans, fumes, etc.

Mr. Smith said that under the Ordinance none of this is allowed.

Mr. Hobson said that this station is not adjacent to the Recreation Center.

Mrs. Henderson asked what the acreage of the property is.

Mr. Hobson said 32,900 square feet.

Mr. Smith moved that the application of Gulf Oil Company, application under Section 30-7.2.10.2 of the Ordinance, to permit operation of a gasoline service station, Lot 1, Russell C. Wood, at the intersection of Woodland Road and Route 236, Falls Church District, be granted as applied for and that the applicant construct a three-bay ranch-type station with or without canopy. Seconded, Mr. Barnes. Carried unanimously.

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ALEXANDRIA WATER COMPANY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of a water relay pumping station on east side of Lee Chapel Road, Route 643, approx. 1000 feet north of Pohick Road, Route 641, Lee District, (RE-1)

Mr. Donald Will, assistant manager of the company, said that in view of the recent condemnation of the property by the County, they would request a deferment of 6 months.

Mr. Smith moved that the application be deferred for an indefinite period until such time as the applicant can proceed with the application. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM L. WILDE, application under Section 30-6.6 of the Ordinance, to permit erection of a sun porch 21 feet from rear property line, Lot 6, D'Amico's addition to Westmore Gardens, (6610 Gordon Avenue), Dranesville District, (R-10)

Mr. Wilde stated that the main argument that he might put forward is that 20 years ago his house was setback considerably more than his neighbors. As far as the necessity for building the room, his son and family will now be living with him therefore they will need more room. This porch would provide a place for recreation.

Mrs. Henderson asked if he could build it on the side of his house.

Mr. Wilde said no.

Mrs. Henderson asked if this is to be enclosed.

Mr. Wilde said no, that it will be screened so it can be used for the baby and for them to sit out.

Mr. Yeatman said that he thinks that they could cut it down so it would be 12' x 20' and then they would not need a variance.

Mr. Smith asked if they were on public water and sewer.

Mr. Wilde said yes, they were.

WILLIAM L. WILDE - Ctd.

Mr. Yeatman moved that the application of William L. Wilde, application under Section 30-6.6 of the Ordinance, to permit erection of a sun porch 21 feet from rear property line, Lot 6, D'Amico's addition to Westmore Gardens, (6610 Gordon Avenue), Dranesville District, be deferred so the Board can view the property and on July 18, 1967 a decision will be made only. Seconded, Mr. Smith. Carried unanimously.

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RAFAEL F. MADAN, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of a dental office as non-resident, Lots 1, 2 and 3, Block 4, West McLean, (1524 Chain Bridge Road), Dranesville District, (R-12.5)

Mr. Koontz represented Mr. Madan.

Mr. Yeatman asked if Mr. Madan was going to live in the house.

Mr. Madan replied no.

Mr. Smith said that Mr. Madan would need more space than he has for parking to meet the requirements, and because the building is so old, it is already non-conforming as to setback.

Mr. Yeatman moved that the application of Rafael F. Madan, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of a dental office as non-resident, Lots 1, 2 and 3, Block 4, West McLean, (1524 Chain Bridge Road), Dranesville District, be denied for the ~~purpose~~ reason that there is not enough room for parking and the building design is non-conforming as to setback. Seconded, Mr. Baker. Carried unanimously.

//

FORDHAM BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to side property lines than allowed, Lot 61, Fairhill on the Boulevard, (3009 Cedar Lane), Providence District, (RE-1)

Mr. Robert Kohlhass, representing the applicant, stated that the builder had acquired the lot with the idea of building on it but because of tight money and other problems they did not build right away, so when they re-applied for a building permit they found that they could not get it because the first permit had been issued in error. We know there is no opposition to this request. The homes in the area are in the $20,000 range but the proposed house would be about $35,000, so it would be in keeping with the neighborhood. The front setback is conforming and there is water and sewer.

Mr. Smith asked if Fordham Builders had owned both Lot 61 and 62 at any one time.

Mr. Kohlhass said no.

Mr. John Wheeler, representing the owners in the subdivision, stated that it is their contention that the recording of the lots in different names was done to deceive so that they can build under the Ordinance. The lots were recorded under the names of Fordham Builders and Mr. Bradford. Mr. Bradford is President of Fordham Builders. They object to the fact that the applicant is trying to deceive in order to build these houses but they would not object if one house was built on the 2 lots.

In rebuttal, Mr. Kohlhass stated that there was no attempt to hide the fact that Mr. Bradford owns the lot, and if they wanted to they could build a smaller house without requesting a variance at all.

Mr. Smith wanted to know when the company was formed.

Mr. Kohlhass replied that it was formed in 1964.

Mr. Smith said that he would like to to see the contract on the lots before he could reach a decision.

Mr. Barnes moved that the application of Fordham Builders, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of a dwelling closer to side property lines than allowed, Lot 61, Fairhill on the Boulevard, (3009) Cedar Lane), Providence District, be deferred until July 18, 1967 for decision only and so the Board can view the lots and check to see if there are other 60 ft. lots in the subdivision. Seconded, Mr. Yeatman. Carried unanimously.

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VIRGINIA DYNAMICS COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a gasoline service station, at Backlick Road and Calamo Street, Lot 7, Grave's Addition to Springvale, Mason District, (C.N.)

Mr. Thomas Lawson, representing the applicant and the Lessee, City Service Oil Company, stated that the building is to be a cement block and glass type with a patio for vending machines. The City Service Oil Company said that this is their newest model. Mr. Chilton's office has been consulted regarding the new plan.

Mrs. Henderson asked how much land was on the property.

Mr. Lawson replied 33,130 square feet, almost an acre. They will tear down the buildings on the property now which are an eyesore. This will provide the widest range of service of all the other gas stations IN THE AREA.

Mrs. Henderson asked what the distance is from the pump islands to Calamo Street.

Mr. Knowlton said that it is over 80 ft.

Mr. Smith asked if the zoning to the right was residential.

Mr. Lawson said yes, it is residential on both sides, but in the Springfield Master Plan for Commercial Zoning

Mr. Smith if the station will have a canopy.

Mr. Lawson replied that it will, just as shown in the renderings.

Mr. Thomas ~~Greeg~~ GREER, representing the Springvale Civic Association, said that before he ~~had~~ Mr. Lawson speak his main argument would have been the fact that the buildings on the property were not going to be torn down. Their only other objection to the station was the fact that there is no need for another gas station in the area. The Association had questioned several of the other stations in the immediate area as to the amount of business they have and all replied that they were not even at 1/2 their capacity. The residents therefore feel that they would like to limit the number of gas stations in the area.

Mrs. Henderson said that since the Board can not deny a permit on a need use, what would Mr. Greeg suggest as an alternative objection.

Mr. Greer replied that he had none really, just the fact that they don't feel that there is a need for another station in the area.

Mr. Smith moved that the application of Virginia Dynamics Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a gasoline service station, at Backlick Road and Calamo Street, Lot 7, Grave's Addition to Springvale, Mason District, be approved as applied for, provided the Planning Commission grants the variance needed on the setback, and all other provisions of the Ordinance must be met including the service lane and screening. Seconded, Mr. Barnes. Carried unanimously.

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EPISCOPAL ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance to permit operation of a private school, kindergarten thru 6th grade, ages 5 thru 12 year olds, hours of operation 8:30 a.m. to 3:30 p.m., approximately 125 children, 1711 Kirby Road, Dranesville District, (R-17)

The Reverend Ronheimer, stated that the Chesterbrook Methodist Church has a building behind it that they will use for the school for 125 students. They have an option for one year on the building.

Mrs. Henderson asked if he had received letters from the various County inspectors telling them what must be done to have the school ready.

Rev. Ronheimer said that he had not yet but he was sure that the Church had and they would comply with all requests.

Mr. Smith moved that the application of Episcopal Academy, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, kindergarten thru 6th grade, ages 5 thru 12 year olds, hours of operation 8:30 a.m. to 3:30 p.m., approximately 125 children, 1711 Kirby Road, Dranesville District, be approved after compliance with the Building Inspector, Fire Marshall, and Health Department, and that no site plan be required. Seconded, Mr. Barnes. Carried unanimously.

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FLEISHER-KOHLER CONST., INC , application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 38.6 feet from Holburn Avenue, Lot 230, Section 5, Wakefield Chapel Estates, (4227 Holburn Ave.), Falls Church District, (R-17 Cluster)

Mr. Fred Kohler of the Company, stated that the company has been together for 12 years and this was an honest error by their General Superintendent and it is also their first mistake after building over 10,000 homes.

FLEISHER-KOHLER CONSTR., INC. - Ctd.

Mr. Smith asked if there had been any change in this particular house.

Mr. Kohler replied no, there was no change at all.

Mr. Smith said that a copy of the building permit should be included in this file.

Mr. Yeatman moved that the application of Fleisher-Kohler Construction, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 38.6 feet from Holburn Avenue, Lot 230, Section 5, Wakefield Chapel Estates, (4227 Holburn Avenue), Falls Church District, be granted because it fits the honest error clause and it is due to the ~~mistake in the~~ curved road next to the lot on which this house is situated. Seconded, Mr. Baker. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF VA., application under Section 30-7.2.2 1 4 of the Ordinance, to permit erection of an addition to existing repeater station, on south side of Route 641, approx. 2 miles northwest of intersection with Route 641 & Route 638, Mason District, (RE-1)

Mr. Hobson, representing the applicant, stated that this is non-conforming because it has been there since 1938. This repeater station is on what is called the Washington-Richmond K-N Route. This increase is needed because of the growth in the area and to add to its power in case of a power failure near here. They will install an emergency KW deisel generator.

Mr. Yeatman asked if this had anything to do with TV's or radios.

Mr. Hobson said yes, they carry some radio programs. The expansion will be of the same character as the one there (brick). The generator will be run for test purposes once a week and the sound will be muffled; it makes less noise than a power mower. There is a repeater station every 7 miles for the N line and every 14 miles for the K line.

Mr. Smith asked what the power of the deisel would be.

Mr. Hobson replied that it is a 30 KW 2 cycle engine.

Mr. Smith asked how much fuel would be stored.

Mr. Hobson replied that they would store 500 gallons and the engine uses 3 gallons an hour.

Mr. Smith moved that the application of American Telephone and Telegraph Company of Va., application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection of an addition to existing repeater station, on south side of Route 641, approx. 2 miles northwest of intersection with Route 641 and Route 638, Mason District, be approved in conformity with the revised plats submitted, for the more efficient service necessitated by the general expansion of the lines, that it must be in this location because of the required distances of the K and N lines, and all other provisions of the Ordinance must be met (this is subject to the approval of the Planning Commission). Seconded, Mr. Barnes. Carried Unanimously.

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GRIMSLEY, TRUSTEE, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station and allow building 26 feet from property line, southeasterly side of Columbia Pike and Lacey Boulevard, Mason District, (C.N.)

Mr. Hansberger, representing the applicant, stated that this is 35,500 square feet of land zoned C-N. 31 feet off Columbia Pike and 12 feet off Lacey Boulevard is being dedicated for widening of the roads. They ask for the variance because even though they could build a station with one pump and not have to request a variance it would not serve nearly as much as if they build two pump islands which is the usual procedure. They feel that they will improve the location by having lighting at the intersection and nowadays there are none of the annoyances accompanying such buildings as there used to be.

Mrs. Henderson said that she thinks that they have to justify to the Board why they need this variance other than the fact that they want two pump islands.

Mr. Smith asked Mr Hansberger if he felt that they had ~~three~~ two side yards because this is a corner lot.

Mr. Hansberger replied that they had hoped to interpret it as such.

GRIMSLEY, TRUSTEE - Ctd.

Mr Yeatman moved that the application of Grimsley, Trustee, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station, southeasterly side of Columbia Pike and Lacey Boulevard, Mason District, be granted for use permit only, and the station is to be of colonial type. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

DRAYTON TYLEE, application under Section 30-6 6 of the Ordinance, to permit erection of four dwellings closer to street property lines and side property lines than allowed by the Ordinance, Lots 24 thru 32, Block F, Weyanoke, on 4th Street, Mason District, (RE-0 5)

Mr. Smith said that if Mr. Tylee could develop 2 houses here he might consider granting the variance but 4 houses is just too many houses to warrant it. Of course, if he can meet the setback regulations he can build the 4 houses.

Mrs. Henderson said that she can't see putting 4 houses in there with the type of zoning it has.

Mr. Smith moved that the application of Drayton Tylee, application under Section 30-6.6 of the Ordinance, to permit erection of four dwellings closer to street property lines and side property lines than allowed by the Ordinance, Lots 24 thru 32, Block F, Weyanoke, on 4th Street, Mason District, be granted in part which would allow the applicant to construct 2 (two) houses on the 9 lots indicated on the plat placing each house proportionately, and that they may be 30 feet off the proposed 4th Street, that he must meet side yard requirements, that the street must be completed prior to occupancy of the houses and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Frazier stated that they have set up a tentative drawing adding an additional 1/2 acre. She wanted to know if she must re-submit her application and re-advertise.

Mr. Smith said that if she was moving to the other end of the property she must re-submit.

Mrs. Henderson said that if Mrs. Frazier could get the new application in on time she could come in on July 25.

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Mr Hazel, representing Mr. Rolf's Nursing Home, stated that he has the same problem and request as he had the last time he was before the Board.

Mr. Smith asked what the problem is.

Mr. Hazel said that they were still having trouble in getting money to ~~add the addition~~ BUILD THE NURSING HOME.

MR. YEATMAN ~~Mrs. Henderson~~ moved that the permit for the addition to Mr. Rolf's Nursing Home be extended to July 10, 1968. Seconded, Mr. Baker. Carried unanimously.

// June 27, 1967, Page 415, Minute Book 12

Mr. James Pammel, Principal Zoning Coordinator, stated that the staff would like an interpretation from the Board of Section 30-2 2.2 of the Schedule of Regulations, Section (B), Sub-section (1) - The RPC District.

Mr Smith said that he is willing to make an interpretation. This is a piece of land that wants to become part of the existing RPC District. He thinks that if they want to enjoy the benefits of this RPC District they must pay for it just like the original RPC. If we allow this everyone in the County could come in here with a similar request.

Mr. Pammel said that they want an interpretation as to the one-ownership RPC as opposed to the multi-ownership.

Mrs. Henderson said that she thinks that the original owner must acquire the land and be the sole owner.

Mr. Pammel read a letter from Mr. Louk dated August 29, 1966 stating that he feels that Mr Rolfs should have his 83 acres included in the Reston Community in Mr. Rolf's name.

Mrs. Henderson said that she would like to SUGGESTED study the purpose and intent of this and bring it up on July 18. She ~~moved~~ that the Board take under advisement the request of Mr Pammel and after due study and thought give an interpretation on 18 July without a public hearing and if it is

MR. PAMMEL - Ctd.

MR. SMITH SO MOVED.

not in keeping with the feelings of the people involved they may request a public hearing at that time. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Robert E. Will, of Summerset Olde Creeke Recreation Center, came back with definite dates for the late-nite pool parties. He said that the pool will be open until midnight July 15, August 5, and August 26, each of which is Saturday night and a rain date of the next weekend for each date.

Mr Baker moved that the Center may have dances on July 15, August 5, and August 26, until midnight with a rain check of the next weekend if they notify the Zoning Administrator on the Tuesday after being rained out. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr Barr complaining about the trespassing on his property to the North Springfield Pool.

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Mrs. Henderson read a letter from Yolanda Hepburn of the Mt. Vernon Academy of Classic Dance objecting to people teaching dancing classes who do not have use permits.

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The meeting adjourned at 6:40 P.M.

By Margaret Brundage

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

July 27, 1967 Date

July 18, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 18, 1967 in the Board Room of the Fairfax County Courthouse. All members were present, excepting Mr. Yeatman. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

THE SOUTHDOWN CO., to permit erection of a gate house in 50 ft. outlet road easement, Parcel B, Southdown, Dranesville District. (RE-2)

Mr. John Laylin, one of the owners of the company, stated that what they proposed to do is to keep the roads in their community themselves to limit ~~its~~ access to the public and they would like to build this building to be used as a mail drop, bus stop and shelter for children. It will be 10' x 21' and the structure will resemble the milk pick up stations that used to be on dairy farms.

Mr. Smith asked if the easement is to be permanent.

Mr. Laylin said yes, it is.

Mrs. Henderson asked why couldn't they build it on the proposed bridle path.

Mr. Laylin replied that there is a line of lovely white pine trees which is on the right of way and they would prefer not to cut the trees down.

Mr. Smith asked if the mail man would come back even as far as Mr. Laylin has the building now to deliver the mail and also, how many families will this road serve.

Mr. Laylin replied that the mail man has already agreed to deliver the mail there and there will be 60 families.

Mrs. Henderson asked how wide the road would be.

Mr. Laylin replied that it would be 22 ft. OF PAVING ON 50' EASEMENT.

Mr. Smith said that it seems to him that with this being a permanent easement he doesn't see any place in the Ordinance that would let the Board grant this request.

Mrs. Henderson asked what is on the east side of the road.

Mr. Laylin said that from a design point of view they would not like to put the building there because it would stand out as the first thing in view.

Mr. Smith said that the Board can't grant a variance on an easement. He said that he thinks this is a wonderful idea but at this location it might impede traffic.

Mrs. Henderson said that if they would move it across the road the Board ~~could~~ MIGHT grant a variance.

Mr. Smith said that they could plant some trees around it and in 3 or 4 years they might conceal the structure.

Mrs. Henderson said that she thinks the best thing for Mr Laylin to do is to re-design the building on a different location and then find out what variance would be needed at that time.

Mr. Smith said that they should give some thought to a turn-around point for people bringing children to the school bus and picking up mail.

Mr. Baker moved that the application of The Southdown Co , to permit erection of a gate house in 50 ft. outlet road easement, Parcel B, Southdown, Dranesville District, be deferred until August 1 so that the building will be moved out of the easement. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE MARINE AND SPORTS CENTER, application under Section 30-7.2.10.5.15 of the Ordinance, to permit erection and operation of boat sales and service, West side of Markham Street, Approximately 260 feet south of Route 236, Falls Church District, (C.G.)

Mr. Myers, the builder, stated that they propose to erect 2 buildings, one building with 2 stories - one floor for sales and the other for display. There is 67,000 square feet of land and there will be 74 parking

spaces. In the one-story building they will have room for 120 boats and 50 motorcycles. In the two-story building they will have campers and trucks with campers already attached. They purchase a truck and then sell the truck with the camper attached as a unit (and in this case the truck would be sold as used). There will be 9 trucks with the campers attached in the sales area.

Mrs. Henderson said that if they keep all the trucks inside then this is ~~alright~~ PERMITTED BY RIGHT.

Mr. Smith asked how much space there would be for the trucks.

Mr. Meyers, the architect, said that there would be 32' x 60' just for the trucks.

Mrs. Henderson said that she doesn't think this questioning is necessary because Mr. Meyers will not need a permit if he keeps all the trucks inside the building.

Mr. Smith asked how big the boats are.

Mr. Meyers replied that all they will have are runabouts of 18 ft. and some 21 ft.

Mr. Knowlton wanted to know if the Board wanted to comment on the size of the boat motors.

Mr. Meyers said that they will usually only have the 100 h.p. motor and some 150 h.p. but usually only the ones under 100 h.p.

Mr. Smith said that he thinks the Board should think about the noise factor here, too.

Mr. Baker moved that the application of Annandale Marine and Sports Center, application under Section 30-7.2.10.5.15 of the Ordinance, to permit erection and operation of boat sales and service, West side of Markham Street, Approximately 260 feet South of Route 236, Falls Church District, be granted with the addition of motorcycle sales and service, and a site plan will be required. Seconded, Mr. Barnes. Mr. Smith said that he thinks that before they pass this request they should find out how much noise there will be and therefore he is voting "no". Carried 3-1.

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VIRGINIA ELECTRIC AND POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of electric transmission lines and towers, W.&O.D. Railroad from Vienna Town line, West approximately 1100 feet, Providence District, (RE-1)

Mr. Randolph Church, representing the applicant, stated that this line runs from Idlewood to CIA to Reston and back to Occoquan and will take power from the backbone line of 225,000 volts and they would like to have 115,000 volts to take care of the expected need.

Mr. Smith asked if they had been before the Boards in Vienna.

Mr. Church said yes, and they have just one more appearance before the Vienna BZA on August 2, 1967.

Mr. R. W. Carroll, Manager of the Fairfax office of VEPCO, stated that this line from the proposed Clark Substation will have 1100 feet of 115,000 volt line on 6 wood poles. It will take power from the 225,000 volt line and will have the effect of strengthening the power in this area. Between 1960 and 1966 the kilowatt growth has jumped 500%, and if they don't get this increase they face a power failure or a curtailment of power in this important area. The line will be built in connection with the National Electric Safety Code. The facilities are certainly necessary for the electrical requirements in this area.

Mrs. Henderson asked what the height of the poles would be.

Mr. Carroll said that none would be over 80 feet.

Mr. Smith moved that the application of Virginia Electric and Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of electric transmission lines, W.& O. D. Railroad from Vienna Town line, West approximately 1100 feet, Providence District, be approved as applied for in conformity with the statement of the Manager. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM T. CAMPBELL, JR., application under Section 30-6.6 of the Ordinance, to permit erection of a garage 7 feet from the side property line, Lot 149, Section 2, Hayfield Farm Subdivision, (5612 Ashfield Road), Lee District, (R-12.5)

WILLIAM T. CAMPBELL, JR., - Ctd.

Mr. Campbell stated that he wishes to build a garage so he can have additional storage space and it will make his house more attractive. He selected this particular house because he thought it would be feasible to build a garage.

Mrs. Henderson said that she doesn't see any reason for granting a variance in this case at all. MR. CAMPBELL COULD BUILD BY RIGHT AN OPEN CARPORT OF THE SAME DIMENSIONS OR A USEABLE, IF SMALLER, GARAGE WITHOUT A VARIANCE.

Mr. Campbell said that because there is a 10 feet walkway ~~behind his house~~ ADJACENT TO HIS SIDE PROPERTY LINE it seems that the Board might then consider granting a variance.

Mrs. Henderson said that the walkway has nothing to do with the property and if the Board grants him a variance anyone (HERE IN THE SUBDIVISION) could come in and request the very same thing. IT WAS BROUGHT OUT THAT FEW, IF ANY, HOUSES IN THIS NEW SUB-DIV. HAVE GARAGES.

Mr. Smith said that he could see no justification for this at all.

Mrs. Henderson said that if Mr. Campbell could get the County to vacate the WALKWAY EASEMENT AND ACQUIRE AT LEAST HALF OF IT, he could then proceed with his plans.

Mr. Baker asked what the length of the walkway is.

Mr Campbell replied that it goes from one street to the other.

Mr. Baker suggested that Mr. Campbell see about getting the walkway vacated and then discussing it with Subdivision Control.

Mr. Smith moved that the application of William T Campbell, Jr , application under Section 30-6.6 of the Ordinance, to permit erection of a garage 7 feet from the side property line, Lot 149, Section 2, Hayfield Farm Subdivision, (5612 Ashfield Road), Lee District, be denied as it is not a situation peculiar to this lot and it does not meet the proper paragraph under the Code. Seconded, Mr. Baker. Carried unanimously.

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MARY F. BAKER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 19, Block F, Section 5, Sleepy Hollow Woods, (6847 Murray Lane), Falls Church District.

Mrs. Henderson read a letter requesting withdrawal dated July 14, 1967.

Mr. Smith moved that the application of Mary F. Baker be withdrawn at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH F. SLANEY, JR., application under Section 30-6.6 of the Ordinance, to permit erection of a garage 33.7 feet from Alberta Street, Lot 448, Section 6, Keene Mill Manor, (7818 Alberta Court), Falls Church District, (R-12.5)

Mr. Slaney stated that they would like to have more storage space and have it in keeping with the rest of the house.

Mrs. Henderson said that they can build a fairly good size garage and still have it 40 feet from Alberta Street. They can have an 11.7 ft. garage and that is plenty of room FOR THIS.

Mr. Smith said that they could have their entrance from the side. He said that the Board can not grant a variance without some topographic reason.

Mr. Smith moved that the application of Joseph F. Slaney, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of a garage 33.7 feet from Alberta Street, Lot 448, Section 6, Keene Mill Manor, (7818 Alberta Court), Falls Church District, be denied because it does not meet the Ordinance under which the application is filed; that it does not meet the hardship criteria and the applicant can construct a useable garage without requesting a variance. Seconded, Mr. Barnes. Carried unanimously.

//

WILLIAM L. SMYTH, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, Lot 59, Fairfax Farms, Centreville District, (RE-1)

Mrs. Henderson asked if there are any other lots of this size in the area.

Mr. Smyth replied yes, there are some Northwest of the Lot.

Mr. Smith said that it seems to him that Mr. Smyth has come up with something that is completely unreasonable.

WILLIAM L. SMYTH - Ctd.

Mr. Smyth said that they would like to put in two 18 ft. pipe stem roads in there back to the lots because if they put in a 50 ft. road the cost would be prohibitive.

Mrs. Henderson asked if there is water and sewer.

Mr. Smyth replied yes, and they have Health Department approval of this. And, he said if they can have these two pipe stem roads they can save the trees in there.

Mr. Smith wanted to know about the safety aspect of such a road for use of vehicles such as fire trucks.

Mr. Smyth said that the fire trucks could get water from Difficult Run which runs along the back of the last lot.

Mr. E. J. Mangin, President of the Fairfax Farms Community Association, stated that the concensus of the people in the area is that this proposal would detract from the appearance and character of Fairfax Farms. He brought a petition signed by 43 residents of the area opposing this.

In rebuttal, Mr. Smyth said that they feel that they will add rather than detract from the neighborhood.

Mr. Smith moved that the application of William L. Smyth, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, Lot 59, Fairfax Farms, Centreville District, be denied because it is not in keeping with the development and character of the area. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit operation of a gravel pit on 7.3 acres of land, on Northwesterly side of Telegraph Road, approx. 1700 feet East of Backlick Road, Lee District, (NR-16)

Mr. Fred Keller, Plant Manager, stated that the actual size of the land is 15 acres but only 7.3 acres will be used for the extraction of gravel. They are proposing to haul the gravel out on Telegraph Road down to their processing plant. They are requesting a permit for 2 1/2 years.

Mr. Smith asked why they weren't including the entire 15 acres in the request.

Mr Keller replied that the entire operation will be confined to the 7 3 acres because there is only gravel in the 7.3 acres and not in the rest. Also, they will have all 7.3 acres bonded at $1,000 an acre.

Mrs. Henderson said that the Planning Staff approves this but would like to have the entrance in the same place as the Newton Asphalt operation if Mr. Keller can obtain access through the adjacent properties.

Mr. Smith said that setting up two industrial entrances in this area could produce a traffic hazard.

Mr. Keller wanted to know if they could just leave it up to the State Highway Department.

Mrs. Henderson said that no, they could not do it that way. She said they must explore the possibility of using the one entrance before the Board can make a decision.

Mr. Smith moved that the application of Virginia Sand and Gravel Company, Inc., to permit operation of a gravel pit on 7.3 acres of land, on Northwesterly side of Telegraph Road, approximately 1700 feet East of Backlick Road, Lee District, be deferred ~~at the request of the applicant~~ to explore the possibility of using only the one entrance and that he make every effort to do so. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit structures closer to property line than allowed, Lot 14, Block A, Section 1, Pimmit Hills, on Redd Road off Pimmit Drive, (R-10), Dranesville District.

Mr. Randolph Church, representing the applicant, stated that the problem is that the County is undertaking a project there and if they give the County land for a storm sewer easement they will have a topographic problem and to avoid any problems with the restriction line in the future they are requesting this variance now. They would also like for the permit to be for a longer length of time than is usual.

Mr. Shanks stated that the County wanted very much to comply with the wishes of VEPCO.

Mr. Smith moved that the application of Virginia Electric and Power Company, application to permit structures closer to property line than allowed, Lot 14, Block A, Section 1, Pimmit Hills, on Redd Road off Pimmit Drive, Dranesville District, be approved as applied for as in connection with the easement rights on Pimmit Run which removes a certain portion of the property, and ~~that~~ because they ~~complied~~ dedicated with the easement; this is to be a permanent variance as to the building restriction line 10 feet from the South property line thereby alleviating the necessity for the applicant to re-apply at a future date, and it is understood that no building is necessary at this time. Seconded, Mr Barnes. Carried unanimously.

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DEFERRED CASES:

BRADDOCK CORP., application under Section 30-6.6 of the Ordinance, to permit erection of a shelter building, bus stop, 10 feet from Street property line, corner of Braddock Road and Cranoke Street, (Proposed Chalet Woods), Centreville District, (R-12.5)

Mrs. Henderson read a note from Mr. Bederson requesting withdrawal.

Mr. Barnes moved that the application of Braddock Corp. be withdrawn at the request of the applicant. Seconded, Mr. Smith. Carried unanimously.

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FORDHAM BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to side property lines than allowed, Lot 61, Fairhill on the Boulevard, (3009 Cedar Lane), Providence District, (RE-1)

Mrs. Henderson said that after viewing the property she found that there is only one other house on a lot with a 60 ft. front and it was built in 1946. She thinks that this would be very out of character in this neighborhood.

Mr. Smith said that allowing two houses on these lots by granting a variance would be asking too much and it was something of which the builder was aware when he purchased the land.

Mrs. Henderson said that the applicant has created his own hardship.

Mr. Smith moved that the application of Fordham Builders, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to side property lines than allowed, Lot 61, Fairhill on the Boulevard, Providence District be denied for reasons previously stated, and because the applicant has created the hardship and because it is not in keeping with the development in the area (the development has been on two or more lots). Seconded, Mr. Baker. Carried unanimously.

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Mrs. Henderson read a letter from William Wilde requesting withdrawal of his application. (CF. 4/27/67 NOTEBOOK)

Mr. Smith moved that the applicant be allowed to withdraw. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Hazel, representing Miller and Smith Associates, and Costin, Developer, requesting an extension of a permit for a pool. (GRANTED 8/2/66)

Mrs. Henderson moved that at the applicant's request and for the reasons stated in the letter the permit be extended until August 2, 1968. Seconded, Mr. Barnes. Carried unanimously.

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The request of Mr. Pammel for an interpretation will be extended until July 25, 1967.

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The meeting adjourned at 1:45 P.M.
By Margaret Brundage

Mary K. Henderson
Mrs. L.J. Henderson, Jr.
Chairman

July 27, 1967 Date

Blank

JULY 25, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, July 25, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

JANE O. NALLEY, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 50, Section 5, Pimmit Hills, 1938 Pimmit Drive, Dranesville District, (R-10)

Mrs. Nalley stated that she would like to set up a beauty shop in a third bedroom of their home and use it only on a very small scale of 3 hours or so a day.

Mr. Smith asked if she has had any experience.

Mrs. Nalley replied that she has been a beautician for 5 years but would like this home operation because they have an eight-month old child.

Mr. Smith asked how many cars they had space for in their garage.

Mrs. Nalley replied that it is a two-car garage and they have only one car.

Mr. Yeatman said that there is a commercial beauty shop very near Mrs. Nalley's home in the Pimmit Hills Shopping Center.

Mr. Carl Carver, representing the Pimmit Hills Civic Association, stated that he was torn between the desire for free enterprise and the privacy of the neighbors in the area. He said that this might set a precedence because many developers are looking at the area and would like to develop in there. The Covenant of Pimmit Hills Subdivision does not allow any signs to be displayed. This application itself does not represent a real danger to the community but it would open the doors for many would-be developers.

Mr. Smith said that the Board can not take into accord your fears as to how many developers would come in and commercialize. The only real fact pertinent is that Mrs. Nalley does not own the house.

Mrs. Henderson said to Mr. Smith that just because an application is filed does not mean that the Board must grant it and although the Board can not consider Covenants, never in the past has a variance been granted when there were such Covenants and other objections to those applications, too, but as Mr. Yeatman pointed out this Ordinance was set up to mean granting such a permit for a beauty shop in a sparsely settled area and not in an area where there is a beauty shop as close as the one to Mrs. Nalley.

Mrs. Nalley said that the reason her name is not on the Deed to the house is because at the time they purchased the house she was underage and to have it done now would cost $75.00. She also said that the people's hair that she will be doing are the ones who can't ordinarily afford a commercial beauty shop and also by her being right in the neighborhood they wouldn't have to pay a baby-sitter.

Mr. Smith said that the Board has heard some arguments but none from the adjacent property owners and it seems to him that if the Board acts as it has in the past this applicant is entitled to favorable action on this application therefore he moved that the application of JANE O. NALLEY, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 50, Section 5, Pimmit Hills, 1938 Pimmit Drive, Dranesville District, be approved and in making the motion amend it to be the husband of Jane O. Nalley, Russell Nalley, that they may not transfer or sell this permit, that all Health Department, Fire Marshall, and Electrical requirements be met, and that there be two parking spaces between the house and garage or in the required setback for parking. Seconded, Mr. Baker. Carried 3 - 2. Mr. Yeatman and Mrs. Henderson voted "no". Mrs. Henderson said that she doesn't think this application meets some of the requirements of the Ordinance.

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SLEEPY HOLLOW MANOR NURSING HOME, application under Section 30-7.2.1.8 of the Ordinance, to permit erection and operation of an addition to nursing home, Lot A, A. J. Dean Subdivision, 6700 Columbia Pike, Falls Church District, (RE-0.5)

SLEEPY HOLLOW MANOR NURSING HOME - Ctd.

Mr. Frank Ball stated that since the Board granted the last application they have not been able to get their finances straightened out before the permit ran out.

Mrs. Henderson asked if they were going to build the service road.

Mr. Ball replied yes, and that they have already put up a fence and screen along the property as required.

Mr. Yeatman said that this is more or less an extension of the last permit.

Mrs. Henderson said yes, but that the other ran out.

Mr. Yeatman moved that the application of Sleepy Hollow Manor Nursing Home, application under Section 30-7.2.1.8 of the Ordinance, to permit erection and operation of an addition to nursing home, Lot A, A. J. Dean Subdivision, 6700 Columbia Pike, Falls Church District, be granted with all the provisions attached to the original permit, that the service road be dedicated and built, and that all other provisions of the Ordinance must be met. Seconded, Mr. Baker. Carried unanimously.

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FRANCIS C. SULLIVAN, application under Section 30-6.6 of the Ordinance, to permit division of lots with less width at the building setback line and less area, proposed resub. of Lots 43 and 44, Section 1, Springvale, corner of Spring Drive and Oriole Avenue, Mason District, (RE-1)

Mr. Goodsell, representing Mr. Sullivan, stated that they would like to have the house face Spring Drive and not Oriole Avenue because there is a well and the sewer would be better if the houses could face the other way.

Mr. Smith said that in other words this would make the lots more buildable.

Mrs. Henderson asked if they would then need any setback variances.

Mr. Sullivan replied that they would not.

Mr. Slinger of the adjoining property stated that he has no objections to this but that he was just wondering what they will do about the sewer as there is an 8 ft. culvert by his house where they will have to hook up with the sewer and he doesn't want it to interfere in any way with his connection now. He also asked about the creek behind the lots.

Mr. Knowlton said that Mr. Slinger need not worry because all connections would be taken care of by Sanitation.

Mr. Smith asked Mr. Slinger what his frontage was.

Mr. Slinger replied that it is 101 feet.

Mr. Smith moved that the application of Francis C. Sullivan, application under Section 30-6.6 of the Ordinance, to permit division of lots with less width at the building setback line and less area, proposed resub. of Lots 43 and 44, Section 1, Springvale, corner of Spring Drive and Oriole Avenue, Mason District, be approved as applied for as it does not change the square footage of the lots and it is being done to make the lots more buildable, and that there be no ~~requirements~~ requests for an additional variance. Seconded, Mr. Baker. Carried unanimously.

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WILLIAM M. MC LEAN, application under Section 30-7.2.6.1.7 of the Ordinance to permit operation of an antique shop in home as home occupation, Lot 8, Section 1, Gundervale, 2177 Cahin Bridge Road, Providence District, (RE-1)

Mr. McLean stated that he would like to rent this house and live in part of it and operate an antique and glass shop in the other.

Mr. Smith asked if this is a lease with an option to purchase.

Mr. McLean replied yes, and that he would operate the shop full-time by appointment only.

Mrs. Henderson asked if the merchandise would be scattered throughout the house.

Mr. McLean replied no, that of the 10 rooms in the house he will use only the first three rooms for sales and display and use the porch only for sitting purposes.

WILLIAM M. MC LEAN - Ctd.

Mr. Smith asked what articles he will have for sale.

Mr. McLean replied that it is mostly glass which he now has in storage and the collection is largely American.

Mr. Yeatman asked who owns the property.

Mr. McLean said that a Mr. Leath does.

Mr. Smith asked ~~that~~ in connection with this "will the people who will help Mr. McLean live in the house?"

Mr. McLean replied that just one man who is his friend will live in the house.

Mr. Smith moved that the application of William M. McLean, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of an antique shop in home as a home occupation, Lot 8, Section 1, Gundervale, 2177 Chain Bridge Road, Providence District, be approved deleting the section "as a home occupation", that there be parking for 5 cars arranged to meet the setback requirements and that the permit will be for three years and that all other requirements of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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WESLEY METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 18 to 20 children; hours of operation 9:00 A.M. to 12:00 Noon, 5 days a week, Lots 1, 2, 3, 4, 31, 32, 33 & 34, Block B, Section 2, Mt. Zephyr, 8412 Richmond Avenue, Mt. Vernon District, (R-17)

Mrs. Lowell Russell, Director of Christian Education, stated this is to be a Church-sponsored school for 5 year olds and it is for the Community, not just members of the Church. The hours will be 9:15 a.m. to 12:15 p.m. and there will be no bus transportation just car pools.

Mr. Smith moved that the application of Wesley Methodist Church, application under Section 30-7.2.5.1.3 of the Ordinance, to permit operation of a kindergarten, maximum of 20 children; hours of operation 9:15 a.m. to 12:15 p.m., 5 days a week, Lots 1, 2, 3, 4, 31, 32, 33 & 34, Block B, Section 2, Mt. Zephyr, 8412 Richmond Avenue, Mt. Vernon District, be approved as a Church-sponsored school, that the applicant give the Zoning Administrator the name of the Director of the School, that no site plan will be required, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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DUNN LORING WOODS SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of an addition to existing bath house, Parcel A, and Lots 12 and 13, Block 1, Section 6, Dunn Loring Woods, corner of Cottage Street and Drexel Street, Providence District, (R-12.5)

Mr. Stephen Hurley stated that he misunderstood the request for adjoining property owners and he had the property owners facing the pool sign the letters. What they propose to do is to use the proposed building as an office and they will not store anything in it. They want to keep it compatible with the other building. They need this room for the lifeguards to change and to operate the pool.

Mr. Smith asked if they will have anything in the room.

Mr. Hurley replied no, just office supplies and equipment.

Mr. Smith asked what the membership of the Club is at this time.

Mr. Hurley replied that they have a maximum of 425 families.

Mr. Smith moved that the application of Dunn Loring Woods Swim Club, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of an addition to existing bath house, Parcel A, and Lots 12 and 13, Block 1, Section 6, Dunn Loring Woods, corner of Cottage Street and Drexel Street, Providence District be approved as applied for and for the reasons stated and that all other provisions of the original permit must be met. Seconded, Mr. Barnes. Carried unanimously.

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ELEANOR E. ROACH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care, ages 1 to 5 years old; hours of operation 7:00 a.m. to 6:00 p.m., 5 days a week, Lot 48, Section 3, Stone Haven, 4915 Southampton Drive, Falls Church District, (R-12.5)

Mrs. Henderson read a letter from Mr. Thomas Lawson, representing the applicant, which requests withdrawal.

Mr. Barnes moved that the application of Eleanor E. Roach be permitted to be withdrawn at the request of the applicant. Seconded, Mr. Smith. Carried unanimously.

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BRENTWOOD SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school thru 2nd grade, approximately 100 children; hours of operation 7:00 a.m. to 6:00 p.m., 3725 Nalls Road, Mt. Vernon District, (R-17)

Mr. John E. Crouch, Owner of the school, stated that they need a larger school and more room for the children. They will live in the house and build an addition to it for the school.

Mrs. Henderson asked how many children there are in the existing school.

Mr. Crouch replied that there are 70 children.

Mrs. Henderson said that at the present time their access to the area is not too good because Mr. Knowlton says that the road is gravel.

Mr. Crouch said that he thought that the road had been dedicated to the County.

Mr. Baker asked how far this is from Mt. Vernon Road.

Mr. Crouch replied that it is about 1/2 mile.

Mr. Smith asked if there is water and sewer in there now.

Mr. Crouch replied yes, but that the house has its own water.

Mr. Smith asked if Mr. Crouch would do his part to maintain the road and how many families there are on the road.

Mr. Crouch replied that there are 10 families on the road and that he will do his part to maintain the road as much as possible.

Mrs. Henderson asked how far his present school is from this site.

Mr. Crouch said that it is about 1/2 mile.

Mr. Smith asked how many buses they have.

Mr. Crouch replied that they have one bus and one station wagon.

Mrs. Henderson asked what the ages of the children are.

Mr. Crouch replied that they range from 2 thru 8 years and the school is in operation 12 months a year.

Mr. Smith asked what their summer operation consists of.

Mr. Crouch answered that they have swimming, horseback riding, crafts, etc.

Mr. Robert J. Grover, who lives across from the property on Nalls Road, brought a petition signed by 36 people opposed to the operation of this school.

Mr. McClevis, also on Nalls Road, stated that he is opposed to the school being on a private road, and that there are five private schools in a short radius of this proposed one, and also many public schools nearby also, all of which cause a great traffic hazard now. Furthermore, Nalls Road is a private road and the citizens on the road will have to shoulder the burden of the increase caused by the school. There are no sidewalks on the road at all which also increases the danger. They also object to the school because it would not be in keeping with the harmony of the neighborhood.

Mr. Baker asked Mr. Crouch and Mr. Grover if they were willing to dedicate land for a state road.

Mr. Grover said that there is already a 50 ft. strip dedicated but the road itself is below standard.

Mr. Knowlton said that the road must be improved according to the site plan all the way from the school to the state road.

Mr. Yeatman said that he would like to take a look at this area.

BRENTWOOD SCHOOL - Ctd.

Mrs. Henderson said that the applicant must have adequate parking and it must be paved so there will be no dust.

In rebuttal, Mr. Crouch said that they are not a new school in the area and the reason they want to have this new school is because the people in the area want the school for their children.

Mr. Smith said that he thinks the big concern here is that of the road itself.

Mrs. Henderson asked how many of the children come by bus.

Mr. Crouch said that 70% do.

Mr. Smith asked how long the school had been in existence.

Mr. Crouch said that they have been there for 3 years and they have grown every year.

Mrs. Henderson asked how many children would be outside to play at one time.

Mr. Crouch said that there would be approximately 30 children out at one time and the nursery age children would be in a fenced yard.

Mr. Yeatman moved that the application of Brentwood School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school thru 2nd grade, approximately 100 children; hours of operation 7:00 a.m. to 6:00 p.m., 3725 Nalls Road, Mt. Vernon District, be deferred until August 1, for decision only and so the Board can view the property. Seconded, Mr. Barnes. Carried 4 - 0. Mr. Baker did not vote because Mr. Crouch at one time had approached him about renting property for this very purpose.

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ARLINGTON MOOSE LODGE #1315, to amend application granted May 16, 1961, to permit ingress and egress from Scoville Street, property at the end of Scoville Street, Mason District, (R-12.5)

Mr. Donald Crounse, representing the applicant, stated that at the time the original permit was issued the Lodge was not permitted ingress and egress from Scoville Street because there was an access road in the highway plans which they would have been able to use. This never came about. The present road into the Lodge is hazardous and unlighted. As far as we THEY know there is no objection to our proposal.

Mrs. Henderson said that she had a telegram from Mrs. Cohen stating an objection.

Mr. Crounse said that the nearest fire hydrant is 1700 feet from Lacey Drive but only 300 feet from Scoville Street, and it is 1 1/2 miles from the fire station on the present access and only 1/2 mile on Scoville Street. There is also a great difference between the streets. The Lodge has had to hire special police to protect the members because people have been accosted, stones thrown at cars, and one member was even shot at traveling on Lacey Drive. These people who belong are not IN a country club because they don't have the money. We feel that these people should have the access to Scoville Street because they are tax payers and they need this protection. They have dropped about 500 members because of this harrassment on Lacey Boulevard and the women in the Women's Club are afraid to drive on the road by themselves. If we can have the access to Scoville Street the Lodge will completely close off the other entrance.

Mrs. Henderson read a letter from a Mr. William O. Rockwell who is in favor of this application and also a letter from Mr. and Mrs. Gasson who are in favor, too.

Mr. Pritchard, representing the Sunset Manor Subdivision, stated they do not think there is very much difference INDISTANCE from this road to the main roads and if the access if changed the people coming from Annandale will have to come through Bailey's Crossroads. When this use permit was granted, the Lodge, in writing, agreed to not come on Scoville Street. The people on the street are now protected by the upgrade of the Lodge lot and the green space by the fence. The parking lot they have now is not dustless and there are piles of dirt at the present entrance. THEY We also have reason to believe that the Lodge has not complied with the parking requirements. The main objection to this application is that it will create noise and traffic.

Mrs. Gear of the property adjoining the property at the parking lot said that the Lodge is so very noisy, especially on Friday and Saturday nights. From 12:00 Midnight to after 3:00 a.m. she can hear people leaving, tires screeching and then you can hear cans being thrown into a big drum.

Mrs. Henderson asked how the opening of Scoville Street would affect Mrs. Gear.

Mrs. Gear said that because the new road would come right along her property.

Mr. Smith asked if she had registered any complaints before now, and if not he can see that some improvements are needed by the Lodge.

Mr. Lind, President of the Sunset Hills Civic Association, stated that he moved into the area after determining that there would be no entrance on Scoville Street from the Lodge and would object to such.

Mrs. Mary Paige, of Paul Street, stated that they heard so much noise when Scoville Street was an entrance 3 years ago and they would not like to have that again.

Mrs. Hendley and Mr. Snyder, also neighbors both object to the noise of the Lodge.

Mrs. Cimarron, a neighbor, said that they understand that the Lodge had not treated the Colored community well on Lacey Boulevard and they wonder how the people on Scoville Street will be treated if it is opened.

Mr. Allan Smith, of Sunset Manor, stated that they have reason to believe that if this is opened there will be so much more traffic and because the Lodge is known as a "bottle club" the traffic could be dangerous.

In rebuttal, Mr. Crounse said that as to the contract with the community the Board can not consider it, and that he feels that much of these objections are accusations about drunks, etc. The matter of the dirt and dust has been due to the drainage work going on and that as soon as that is finished the area will be paved. They feel that the objections are not valid against this application.

Mrs. Henderson took a count of hands and there were 43 people present in favor and 32 in opposition.

Mrs. Henderson said that this particular case has weighed on her mind because the permit should not have been granted in the first place. She is in favor of the application because Scoville Street has sidewalks and lights and it would be the lessor of two evils.

Mr. Smith moved that the application of Arlington Moose Lodge #1315, to amend application granted May 16, 1961, to permit ingress and egress from Scoville Street, property at the end of Scoville Street, Mason District, be approved, that this is in conformity with the pattern presented to the Board as to one-way in and out, that the break in the screening be only at the these areas, that there be no other changes, that this is in the interest of all the citizens of Fairfax County, that the entrance now used be completely closed at the same time the new one is opened, that the parking lot be paved in conformity with the site plan, that all parking spaces be made of a dustless surface, that all parking be in the determined spaces only and not outside the fenced area and this will be policed by the members themselves. Seconded, Mr. Barnes. Carried unanimously.

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ELDEN J. MERRITT, application under Section 30-7.2.6.1.3 of the Ordinance, to permit four rooms in Calvary Hill Baptist Church for private school for one year, 80 children, ages 4 to 8 years old; hours of operation from 9:00 a.m. to 12:00 Noon, south side of Little River Turnpike west of Olley Lane, Providence District (RE-1)

Mr. Merritt of Talent House School stated that this school will be used in the interim while their new school is being constructed, and that there will be no serious problem to using the Church.

Mr. Smith said that he thinks that this is an excellent place for a school.

Mr. Smith moved that the application of Elden J. Merritt, application under Section 30-7.2.6.1.3 of the Ordinance, to permit four rooms in Calvary Hill Baptist Church for private school for one year, 80 children at any time, ages 4 to 8 years old; hours of operation 9:00 a.m. to 12:00 Noon, south side of Little River Turnpike west of Olley Lane, Providence District, be approved and that all other requirements of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance to permit erection and operation of a private school, approximately 100 children; hours of operation 9:00 to 3:00, 8600 Fort Hunt Road, Mt. Vernon District, (R-12.5)

Mrs. Frazer stated that she would like to withdraw her applications (see deferred below) because in her contract to purchase the land she found that she would only have 1 1/3 acres useable and the sellor was asking 30,000 dollars.

Mr. Smith moved that the application of Mildred W. Frazer be withdrawn at the request of the applicant for reasons stated and that this will not in any way jeopardize her making a new application at another time. Seconded, Mr. Barnes. Carried unanimously.

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YOUNG ASSOCIATES, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, Mary Edelin Property on Vienna-Vale Road, Route 672, Providence District, (RE-2)

Mr. Young stated that they are submitting this as an alternative to a cluster plan. They presently have four parcels of land and they would like to divide the two larger ones.

Mr. Smith asked if they met all the requirements on Lots 5A and 5B.

Mr. Young replied yes, that they have the building permits on them.

Mrs. Henderson said that the Board can only make a decision on the ones that front on the road, that the Board of Supervisors must decide on the ones not facing on the front.

Mr. Smith asked if they would anticipate any requests for variances on the construction on these lots.

Mr. Young replied no, that they don't and that they feel that this is the best idea they can come up after careful study of the land.

Mr. Smith moved that the application of Young Associates, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, Mary Edelin Property on Vienna-Vale Road, Route 672, Providence District, be granted and that it be understood that the Board is only acting on Parcel B-2, this being the best plan to utilize this parcel of land. Seconded, Mr. Barnes. Carried unanimously.

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DR. C. A. LOUGHRIDGE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to Street property lines and closer to side property lines than allowed, Lot 21, Belle Rive, Mt. Vernon District, (RE-0.5)

Dr. Loughridge stated that this house is the one that they feel is the most desirable for them, and that when they bought the lot the real estate people assured them that they would have enough room to build but after the engineer looked it over they found they could not do it without requesting a variance.

Mrs. Henderson said that they are requesting a variance for 3 sides on a new house with no topographical problems. This is a beautiful house but if you could acquire some land from next door maybe you could do it. She can not approve of such a request.

Mr. Smith moved that the application of Dr. C. A. Loughridge, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to Street property lines and closer to side property lines than allowed, Lot 21, Belle Rive, Mt. Vernon District, be denied because it does not meet the requirements laid down for variances connected with the construction of new houses, that this is a situation where the house is too big for the lot and not any different from any other lots. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

MILDRED W. FRAZER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private school, kindergarten thru 6th grade, ages 5 to 11 years of age, 5 days a week; hours of operation 9:00 a.m. to 3:00 p.m., 8618 Fort Hunt Road, Mt. Vernon District, (R-12.5)

Mr. Smith moved that the application of Mildred W. Frazer be withdrawn at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson stated that concerning the request of Mr. Pammel for an interpretation by the Board of the RPC Zone her opinion is that only if the additional acreage be under the same control can more acres be added.

Mr. Smith said that he thinks the Ordinance is very clear about specifying that it be under the same control or owner. If a person had an additional 100 acres next to the original RPC they can become a part of it only if it comes under the original control.

Mr. Baker said that he feels the same as Mrs. Henderson and Mr. Smith.

Mrs. Henderson said that if it were allowed not to be under the same control you would lose the idea of RPC and it would be like a patch quilt with lots of little pieces of land being added. A letter from the County Attorney also interprets this to mean that it must come under the same control but that it can be owned separately.

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Mr. Van Meter, representing Falls Church Water Company, stated that they first came in about a year ago to get permission for this new tank. They now find that they will need 18 inches more to make it a 2 million gallon capacity which the community needs very much.

Mr. Smith moved that the granting of a use permit for a water storage tank known as the Dunn Loring Tank for the Falls Church Water Company be approved in order to better facilitate the storage of water in this area and that this be a variance of 3 ft., and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 5:35 p.m.

By Margaret Brundage

Mary L. Henderson
Mrs. L. J. Henderson, Jr.,
Chairman

September 25, 1967 Date

August 1, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, August 1, 1967 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened by a prayer by Mr. Smith.

RIDGEMONT MONTESSORI SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school; hours of operation 9:00 a.m. to 3:00 p.m., maximum number of children 66, 888 Dolley Madison Boulevard, Dranesville District, (RE-1)

Mr. Joseph Duffy, member of Virginia Bar and President of the school, stated that the school has been at the Emmanual Church for the past two years. The Church recently built a new educational building located on the southeast side of the Church which has three floors. A letter from the Fire Marshall recommends that they not use the top floor of the building because it only has one exit. Therefore, they would like to modify the application to use one floor of the old building and two floors of the new building until a second exit can be built in the new building on the top floor.

Mr. Smith said that they try to discourage private schools from using second floors even in churches.

Mrs. Henderson asked how many children would be in the school.

Mr. Duffy replied that they had 50 children before and now they will have 22 children in the old building and 44 in the new.

Mr. Smith moved that the application of Ridgemont Montessori School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school; hours of operation 9:00 a.m. to 3:00 p.m., maximum number of children 66, 888 Dolley Madison Boulevard, Dranesville District, be approved to allow the use of a new church building adjacent to the present building which must meet all fire marshall and Health Department regulations, that there will be a maximum of 66 children distributed in the two buildings, that this application is now in the name of Ridgemont Montessori School, Inc., that the permit will be for a period of one year, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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DALE A. MADDEN, application under Section 30-6.6 of the Ordinance, to permit erection of a carport closer to front property line than allowed, Lot 13, Section 1, Old Creek Estates, 9421 Athens Road, Providence District, (R-17 Cluster)

Mr. Madden stated that he would like to add another space for another car and he can not build it in the back because the ground slopes so steeply. They are building this for their comfort and convenience and to beautify their home.

Mrs. Henderson said that she can appreciate his desires but the Board can not grant a Variance in this case except for a hardship.

Mr. Yeatman moved that the application of Dale A. Madden, application under Section 30-6.6 of the Ordinance, to permit erection of a carport closer to front property line than allowed, Lot 13, Section 1, Old Creek Estates, 9421 Athens Road, Providence District, be denied as the applicant has a carport and there had been no reason presented to the Board that would allow it to grant a variance for this application. Seconded, Mr. Barnes. Carried unanimously.

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DEAN R. MEYER, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 42 feet from Street property line, Lot 17, Meyer's Addition to Indian Run Park, on Redwing Drive, Mason District, (RE-0.5)

Mrs. Henderson read a letter from Swinborn and Hood, attorneys representing the applicant, requesting that the application be withdrawn because the house has been moved back.

Mr. Smith moved that the application of Dean R. Meyer, Inc., be withdrawn at the request of the applicant. Seconded, Mr. Barnes. Carried unanimously.

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VOLKER BRANDT, application under Section 30-6.6 of the Ordinance, to permit erection of an open mesh fence 12 to 13 feet high around a tennis court and play area, part Lot 36, Briarwood Farm, 2860 Hideaway Road, Providence District, (RE-1)

Dr. Brandt stated that this is an already constructed area of colored asphalt. They have lived in this house since October of 1963 and they did not know that they would need a building permit for this.

Mr. Smith said that he doesn't believe that the Board should permit a fence in the front yard of anyone.

Mr. Barnes said that he thinks the Board should allow it because none of the neighbors seems to object to it and it is a very good thing to have.

Mr. P. Boritz Shaffer, neighbor living across the street, stated that he thinks the fence is very unsightly and not in keeping with the neighborhood. He read a letter from the Briarwood Civic Association which states that they would not like to have this allowed because it would set a dangerous precedent.

Mrs. Henderson asked Mr. Shaffer if he would object if the tennis court were in the back yard.

Mr. Shaffer replied no, that they would then have no objections.

Mr. Smith said that he agrees with Mr. Shaffer and if the Board grants this it would be acting against the Code. He feels that a 10 feet fence would be adequate for this and if the applicant would move the court back he could then utilize the same fence in the back.

Mr. Brennen, a neighbor, stated that he is in favor of the tennis court and would like to see it remain in its present position.

Dr. Brandt said that they did not build the fence after they were told not to -- it was almost completed when the inspector came. They would not object to moving it back but it would be almost impossible because of the trees and having to fill the back in to make it level.

Mr. Smith said that this is not an objection to tennis in any way but because the fence was constructed in violation of the Code; therefore he moved that the application of Volker Brandt, application under Section 30-6.6 of the Ordinance to permit erection of an open mesh fence 12 to 13 feet high around a tennis court and play area, part Lot 36, Briarwood Farm, 2860 Hideaway Road, Providence District, be granted in part; that the portion of the fence that is behind the 50 ft. setback be allowed to remain and the fence that is in the 50 ft. setback area be removed within 21 days and if the applicant desires the tennis court can be extended in the rear to compensate for the removal in the front, and all other provisions of the Ordinance except for the fence must be met. Seconded, Mr. Yeatman. Carried unanimously.

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CHARLES A. STACKHOUSE, application under Section 30-6.6 of the Ordinance, to permit porch enclosure and addition closer to front property line than allowed, Lot 48, Section 3, City Park Homes, 2912 Marshall Street, Falls Church District, (R-10)

Mr. Murray Shear, representing the applicant, stated that the porch is in existence and they would like to enclose it and add 4 feet to it. The reason for enclosing it is to provide an additional room for them and it would be much more expensive to add on the other side.

Mrs. Henderson said that there is nothing different ~~from~~ about this from any other houses in the area so nothing really warrants granting this.

Mr. Smith said that he thinks that the Board should take a look at this and he does think that this may warrant a variance because the porch is already in existence.

Mr. Yeatman said that he thinks that this maybe a way of lifting the area up and making it more modern in appearance. He moved that the application of Charles A. Stackhouse, application under Section 30-6.6 of the Ordinance, to permit porch enclosure and addition closer to front property line than allowed, Lot 48, Section 3, City Park Homes, 2912 Marshall Street, Falls Church District, be deferred until September 12 for decision only. Seconded, Mr. Baker. Carried unanimously.

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LOYAL ORDER OF MOOSE-ALEXANDRIA LODGE # 1076, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a lodge hall and swimming pool, northwesterly side of Old Telegraph Road, approximately 400 feet north of Telegraph Road, Lee District, (R-12.5)

Mr. Donald Crounse, representing the applicant, stated that they have no objections from any of the adjoining property owners. This would involve 7.455 acres of land. The building will consist of a restaurant on one level and a swimming pool will be built on the other level. The membership in this lodge is 750 with an expected increase of 300 members. We have petitions in favor of this from much of the surrounding area. There is a proposed road of 30 feet to go back into the facilities and lots of room for screening. There will be no requests or requirements for any variances and they will be glad to dedicate part of the front for any widening of Old Telegraph Road. They will provide 193 parking spaces. There are no other fraternal organizations in this area and we feel that there is a need for this.

Mrs. Henderson asked how wide Old Telegraph is.

Ross Garlettz, Secretary of the Lodge, said that the road is 17 to 18 feet wide.

Mrs. Henderson asked in which direction most of the members live from the Lodge.

Mr. Garlettz replied that they live mostly southeast of the Lodge but that they anticipate many new members from the entire area.

Mr. Smith said that they speak of building this in sections - will the whole building be in operation at the same time.

Mr. Crounse answered yes, they will all open at the same time.

Mrs. Henderson asked what they were going to do with the house that is on the land at the present time.

Mr. Crounse replied that this house will be improved and the General Manager of the Lodge will live there and police the Lodge at all times.

Mr. Charles Harnett, Vice-President of Gosnell, Inc., stated that they are in favor of this and hope the Board will approve the application.

Mr. Hugh H. Southerland, who has lived on Old Telegraph Road for 11 years, stated that they feel that the road here is too narrow so that with the increase of traffic it will disturb the neighbors and the children will be in great danger. His son was struck by a car several years ago on the road and he himself was just recently involved in an accident on it, also.

Mr. Yeatman said that by the developing of this land in the area they will get the widening of the road because the land will be dedicated for it instead of the County having to pay for it.

Mr. Bryce, President of the Moose Lodges in Virginia, stated that he was sure that the Board is aware of the projects of the Moose Lodge and they have many civic activities including bicycle safety which Mr. Southerland might be interested in knowing about.

Mrs. Henderson said that she thinks that they should have at least 250 parking spaces.

Mr. Smith moved that the application of Loyal Order of Moose-Alexandria Lodge #1076, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection and operation of a lodge hall and swimming pool, northwesterly side of Old Telegraph Road, Lee District, be approved under the following conditions: that the Lodge provide proper access from Old Telegraph Road meeting the site plan requirements and if there is a need for dedication they will do so; hours of operation will be 1:00 p.m. to 11:00 p.m. on Sundays, 9:00 a.m. to 1:00 a.m. Mondays thru Thursdays, and 9:00 a.m. to 2:00 a.m. on Fridays and Saturdays; that they will provide 250 parking spaces, that the Lodge and swimming pool will be constructed and opened at the same time, that this is to serve the members in the community and to allow for expansion, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson suggested that the Lodge instruct members to use the better roads to the Club and try not to travel Old Telegraph Road.

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ROBERT PAUL AND MARGARET PEACHEY, application under Section 30-6.6 of the Ordinance, to permit use of existing roads and sewers to finish mobile homes park, Ladson Lane adjacent to Audobon Estates Mobile Homes, Lee District, (RM-2)

Mr. Peachey stated that this will not be anything like the trailer parks you usually see. They are asking for a variance on hardships. In 1958

they asked for a permit for 200 units and finally got in in 1961. They granted an easement to the County all along the property for a storm sewer and they put in a road for their sole means of ingress and egress. They acquired an option from Mr. Joe Baker for 6 acres where they built some apartments so they then got zoning for apartments on this property. In 1964 a water shed study by Mr. Massey required an extra amount of 150 ft. all along the property so that the bridge they would have to construct would cost $150,000 instead of $50,000 so now they can not build the apartments because they can not hook up with the road, but they can build mobile homes if granted this application. The Public Housing Authority has decided to build apartments for persons displaced from Gum Springs and Mr. Peachey would not want to build apartments and have the same thing happen that happened in Detroit. Mr. Peachey thinks the Board has the power to grant this under the State Code.

Mrs. Henderson said that Mr. Peachey will have to show her where in the Code the Board could grant such a request.

Mr. Smith asked what hardships he has.

Mr. Peachey said that he can build homes but who would buy them after driving through a trailer park.

Mrs. Henderson said that the main basis for hardship seems to be a financial one which the Board cannot consider. Mr. Peachey will have to approach the Board of Supervisors now to have the zoning changed because this Board cannot change the zoning.

Mr. Charles Harnett, Secretary of Monroe Development Corp., stated that the people in the Monroe Development feel that this would be disadvantageous to their properties, therefore they object to it.

Mr. John G. Vaughan, representing the new owners of Mrs. Green's property, stated that he feels that the use of more trailers would be of questionable value and of a detriment to the area.

Mr. Smith asked what they are building.

Mr. Vaughan replied that they are building the apartments for the Public Housing Authority.

Mr. Spencer, representing the Kahest Corporation, states that his client has a lease on Mr. Peachey's property effective for 99 years and they do not feel that this channel or the bridge will hold up their operation at all. This lease does give them the right to develop the land as they choose. They have been paying Mr. Peachey a rent for this land for 1 and 1/2 years.

Mrs. Kline, from the local Civic Association, said that she would like to call the Board's attention to the fact that Audobon Extates already has 700 trailers which is an awfully large concentration. She would hope that the Board would deny this application and have Mr. Peachey go to the Board of Supervisors.

Mr. Albert Casabian, of the Housing Authority, stated that he would direct his approach solely to the fact that the Board has no power to grant this application at all under any part of the Ordinance.

Mr. Smith asked him if he felt that there was any part of the State Code which gives the Board such power.

Mr. Casabian replied no.

In rebuttal, Mr. Peachey said that the Kahest Co. is not bonded for the Bridge and that they are defunct. He is denying them access to the land and wants to use it himself.

Mrs. Henderson said that she thinks that purely and simply ~~that~~ the Board is being asked to make a re-zoning and sees no place where the Board can grant a hardship variance either. The only hardship presented here has been of a financial character.

Mr. Yeatman said that he agrees with Mrs. Henderson and that the Board has no right to decide on this at all and he doesn't think Mr. Peachey is being denied use of the land because he is receiving money for it.

Mr. Smith moved that the application of Robert Paul and Margaret Peachey be deferred for a period not to exceed 6 months for further study. Seconded, Mr. Barnes. Mr. Baker does not vote and Mrs. Henderson and Mr. Yeatman vote no because this Board cannot re-zone and no hardship has been shown other than financial. The motion dies.

ROBERT PAUL AND MARGARET PEACHEY - Ctd.

Mr. Smith said that his only reason for making the motion was to allow Mr. Peachey more time to research what he says he can find.

Mr. Yeatman moved that the application be denied because Mr. Peachey has shown no hardship at all. Motion dies because there is no second.

Mr. Smith moved that the application of Robert Paul and Margaret Peachey, application under Section 30-6.6 of the Ordinance, to permit use of existing roads and sewers to finish mobile home park, Ladson Lane adjacent to Audobon Extates Mobile Homes, Lee District, be deferred for not longer than 60 days so the applicant can research more information and so the Board can reach a decision. Seconded, Mr. Barnes. Carried 3 - 1. Mrs. Henderson votes no for reasons stated previously.

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RICHMARR CONSTRUCTION CORP., application under Section 30-6.6 of the Ordinance, to permit erection of decorative gates and wall 3 feet from Twinbrook Road and Commonwealth Boulevard, Outlot B, Section 1, Kings Park West, Falls Church District, (R-17 Cluster)

Mrs. Henderson read a letter from Mr. Fagelson, representing the applicant, requesting that the application be withdrawn because they find they do not need the variance.

Mr. Barnes moved that the application of Richmarr Construction Corp., be withdrawn at the request of the applicant. Seconded, Mr. Smith. Carried unanimously.

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HYBLA VALLEY PLAZA, INC., application under Section 30-6.6 of the Ordinance to permit apartment buildings closer to property line than allowed, on west side of # 1 Highway back of Hybla Valley Shopping Center, Lee District (C.G.)

Mr. Fagelson, representing the applicant, states that they are requesting a variance based on the unusual circumstances surrounding the property. One-half of the property is mortgaged by one company and the other by another, each specifying different requirements. They have also had a change in zoning and the site plan cannot be changed to meet the zoning change. Since the change they find that they have to be 36 feet farther away from the road. They have an orderly process of development but this is holding up the works. The applicant also lost some of his land when he dedicated part of the front to Route #1.

Mr. Smith moved that the application of Hybla Valley Plaza, Inc., application under Section 30-6.6 of the Ordinance, to permit apartment buildings closer to property line than allowed, on west side of # 1 Highway back of Hybla Valley Shopping Center, Lee District, be approved as applied for in conformity with the plats submitted showing the proposed development. This area was planned and developed to bring about an orderly development and there appears to be no detriment to anyone by granting this variance and it would be used to better facilitate the movement of traffic on the road in the shopping center, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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INTERNATIONAL TOWN AND COUNTRY CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of a club house, swimming pool, bath house and pro shop, on North side of Route 50 opposite Greenbriar Subdivision, Centreville District, (C.G.)

Mr. Robert Kohlhaas, representing the applicant, stated that they would like to build a club house, swimming pool, bath house and pro shop. The club itself started in 1960. At the present time there are 500 members. There are a 9-hole golf course and swimming pool with club house at the present Falls Church location. The proposed course will be one of the best on the East Coast when all the facilities are completed. The eventual goal will be 600 to 650 members.

Mr. Smith asked him if they were planning to keep the historic old house that is on the property now.

Mr. Kohlhaas replied yes, and that there is talk of making it a tea room or ~~preserving~~ restoring it back to its original state.

Mrs. Henderson asked if they were ready to start construction.

Mr. Kohlhaas said that they are having trouble getting financing for the construction loan.

INTERNATIONAL TOWN AND COUNTRY CLUB, INC., - Ctd.

Mrs. Henderson wondered if one unit is started and not the others whether it would matter or not.

Mr. Woodson said that if they start one unit within a year of the issuance of the permit ~~that~~ that is allright.

Mrs. Henderson said that she feels that 158 parking spaces ~~is~~ are not adequate and that they should have at least 200 spaces.

Mr. Smith moved that the application of International Town and Country Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of a club house, swimming pool, bath house and pro shop, on North side of Route 50 opposite Greenbriar Subdivision, Centreville District, be approved in accordance with the plat submitted; the development is to replace the existing club house, there will be 200 parking spaces built to County standards prior to the opening of this and any additional parking be provided as needed and all other provisions of the Ordinance and the original permit must be met. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE ANIMAL HOSPITAL, application under Section 30-7.2.10.5.3 and 30-6.6 of the Ordinance, to permit erection and operation of an addition to animal hospital and permit addition 41.61 feet from Little River Turnpike, 7405 Little River Turnpike, Falls Church District, (C.G.)

Dr. J. B. Wilson and Dr. Whitter, owners of the Hospital.
Dr. Wilson stated that they have agreed to build a service road off to Markham Street and they are asking for a variance of 8 - 9 feet to build this addition for better reception facilities and more room. They have no outside runs for the animals. The new addition will be of brick and masonry construction.

Mr. Smith asked if they were partners or a corporation.

Dr. Wilson replied that they are partners.

Mr. Smith moved that the application of Annandale Animal Hospital, application under Section 30-7.2.10.5.3 and 30-6.6 of the Ordinance, to permit erection and operation of an addition to animal hospital and permit addition 41.61 feet from Little River Turnpike, 7405 Little River Turnpike, Falls Church District, including a use permit for the existing building, be approved in conformity with the plats submitted, that this is an improvement and will be in conformity with the setback of the present building, there will be 21 parking spaces provided, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL COMPANY, application under Section 30-6.6 and 30-3.4.4 of the Ordinance, to permit erection of storage tank closer to property line than allowed, 8200 Terminal Road, Lee District, (I.G.)

Mr. Spence, representing the applicant, stated that due to the growth of business Humble has decided that they will need this new tank and the little piece of property jutting into Humble's property stands in the way of building this without requesting a variance. In this tank they will have turbo-jet fuel and it will be 48 feet high. The people owning the property will not sell even though the Company has offered them over $2.00 a square foot.

Mr. Smith said that he can see no other plausible use of this land therefore he moved that the application of Humble Oil Company, application under Section 30-6.6 and 30-3.4.4 of the Ordinance, to permit erection of storage tank closer to property line than allowed, 8200 Terminal Road, Lee District, be approved as applied for under the condition that the applicant has made every effort to purchase this little piece of property with a good offer of over $2.00 per square foot and this is a standing offer to the owners of the property, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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LOYD HERRING, application under Section 30-3.4.7 of the Ordinance to permit erection of dwellings closer to side property lines than allowed, Lot 178 and 179, Hunting Ridge Subdivision, Dranesville District, (R-12.5)

Mr. Dennis Thurman, representing the applicant, stated that Mr. Herring purchased this land in 1956. The State took part of the property in 1956 for a road and so with this change he would not like to build his own home but he would like to construct two houses which would sell for $32,000 or so. The adjacent property owner has requested that Mr. Herring be 9 feet off his property line and some screening which ~~we are~~ he is agreeable to doing.

LOYD HERRING - Ctd.

Mr. Smith moved that the application of Loyd Herring, application under Section 30-3.4.7 of the Ordinance, to permit erection of dwellings closer to side property lines than allowed, Lot 178 and L79, Hunting Ridge Subdivision, Dranesville District, be approved; that construction be allowed on Lot 178 10 feet from Lot 177 property line, and 7 feet from Lot 179 line, that the house on 179 be constructed 32 feet from the one side and approx. 17 feet from Lot 178; this situation presented itself because the State took part of the land and this seems to be the best possible arrangement in order for the applicant to use this property. Seconded, Mr. Barnes. Carried unanimously.

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// DEFERRED CASES

THE SOUTHDOWN CO., to permit erection of a gate house in 50 ft. outlet road easement, Parcel B, Southdown Subdivision, Dranesville District, (RE-2)

Mrs. Henderson read a letter requesting that the application be deferred.

Mr. Smith moved that the application of The Southdown Co. be deferred until September ~~12,~~ 1967 at the request of the applicant. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit operation of a gravel pit on 7.3 acres of land, on Northwesterly side of Telegraph Road, approximately 1700 feet East of Backlick Road, Lee District (NR-16)

Mr. Pammel stated that the Staff is satisfied that the Company will only use one entrance at any one time.

Mr. Keller stated that they will build an entrance on their property but Newton Asphalt Company has agreed that they will only use one entrance at any one time whether it be their's or the Gravel Company's.

Mr. Smith moved that the application of Virginia Sand and Gravel Company, Inc., to permit operation of a gravel pit on 7.3 acres of land on Northwesterly side of Telegraph Road, approximately 1700 feet East of Backlick Road, Lee District, be approved in conformity with the requirements of the Planning Staff and that only one entrance will be used at any one time even if both the Gravel Co. and Newton Asphalt Co. are working at the same time and that they request an Industrial sign from the State Highway Department and all other requirements of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

// (NEW CASE)

TELEGRAPH HILL APARTMENTS, INC., application under Section 30-6.6 of the Ordinance, to permit erection of an apartment building 25 feet from side property line, east of North Kings Highway, adjacent to Mizelle Subdivision, Mt. Vernon District, (RM-2G)

Mr. Fagelson, representing the applicant, stated that this is another case of the Mortgage Companies causing problems but they also have a topographical problem because the land drops off very sharply and the soil is unstable with many under drains planned so they don't want to run into trouble with sliding of the land and they are requesting this variance because of the topographical problem.

Mr. Smith moved that the application of Telegraph Hill Apartments, application under Section 30-6.6 of the Ordinance, to permit erection of an apartment building 25 feet from side property line, east of North Kings Highway, adjacent to Mizelle Subdivision, Mt. Vernon District, be approved as applied for because this meets the topographical requirements of the Ordinance and the applicant states that this is the only practicable use of the land, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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BRENTWOOD SCHOOL

Mrs. Henderson said that she doesn't know what they are going to do about the road requirement. She asked how many cars and buses were used.

Mr. Crouch replied that the bus makes 3 trips and the station wagon makes 6 trips daily.

Mrs. Henderson said that actually there will be about 120 car trips on the road every day by the school and about 50 by the neighbors. She said that this is an ideal location for the school and a beautiful setting.

Mr. Smith said that if Mr. Crouch could improve the road so it would not be dusty it would help and ~~you know~~ probably ~~that~~ in a year or so Mr. Crouch will have access to a state road so that he would ~~then~~ be willing to vote for the application.

BRENTWOOD SCHOOL - Ctd.

Mr. Smith moved that the application of Brentwood School be approved in conformity with the plats submitted, that the applicant will tar and bluestone Nalls Road to bring about a dust-free surface, that the road will be maintained throughout the time the school will use it since a planned subdivision with state roads that will better serve this school will be built in a year or so and at such time as this is available the applicant will change and use that road, and all other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Fitzgerald who represents the Ford Motor Co., which requests an extension of their permit because they were not able to start construction as of now.

Mr. Baker moved that the permit of Ford Motor Co., be extended for a period of one year. Seconded, Mr. Smith. Carried unanimously.

10/2/66

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The meeting adjourned at 6:30 P.M.
By Margaret Brundage.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

September 25, 1967 Date

September 12, 1967 - Regular Meeting

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 12, 1967 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

DR. J. MURRAY MITCHELL, JR., application under Section 30-6.6 of the Ordinance, to permit erection of a tower 70 ft. high, 35 ft. from side property line and 23 ft. from rear property line, 1106 Dogwood Drive, Dranesville District (RE-1), Map No. 21-4 ((1)) Parcel 62, V-671-67

In addition to being a professional climatologist with the Government, Dr. Mitchell said he is also an amateur weatherman and it would be of great interest to him to document the climate of his area. A number of his neighbors have encouraged him in this respect and he would like to establish a complete private weather station on his property. One of the most interesting and important elements to measure is the wind and in order to get accurate wind measurements he must be above the crown of trees surrounding the property. This necessitates the use of a tower for supporting meteorological instruments for measuring the wind in the area and 70 ft. is considered the minimum height at which a good exposure could be achieved on this property. The only place on his property that a tower could go which would give a reasonably good exposure is at the southwest corner of the property which happens to be relatively close to the adjoining property line. The tower itself is not a massive thing, but rather like a slender television tower, only taller and heavier.

Mrs. Henderson felt there was room on the property for the tower to be placed in another location, perhaps closer to the house.

Dr. Mitchell said if the tower were located there it would have to be at least 80 ft. tall in order to get above the trees as a 70 ft. tower in that location would not be adequate.

Mr. Smith expressed admiration for Dr. Mitchell's intentions, however, he stated that the Ordinance is very strict regarding towers and he believed that there could be a tower as high as 90 ft. located on the property without infringing upon setback requirements. There are many people in the County who would like to place a tower on their properties, Mr. Smith continued, such as amateur radio operators and other people who are interested in meteorology and climatology, but the Ordinance is very strict regarding towers and this Board must abide by the Ordinance.

Dr. Mitchell presented two letters supporting his request; one from Mr. Light whose property would be only 23 ft. from the proposed tower, and one from Mr. Hovey. The tower is portable and can easily be disassembled, he said, and it would be removed from the property if it were sold, or whenever the tower has outlived its usefulness. In the proposed location the tower would be better hidden from the neighbors than it would if placed in any other location on the property. It would be visible from the Light property but Mr. Light is not opposed.

Mr. Smith again stated that the Board has no authority to grant the request and suggested that the tower might be placed on top of Dr. Mitchell's home, however, with the type of roof on his home, Dr. Mitchell said he would not recommend this.

The idea is good, Mrs. Henderson said, but perhaps this is not the right location for the tower.

Mr. Baker suggested pursuing the possibility of obtaining additional land from Mr. Light, but Dr. Mitchell replied that he did not think this would be possible.

No opposition.

Although he would like to see Dr. Mitchell undertake such a project, Mr. Smith said, there are many other people in the County also wishing to use their own properties for some personal research projects and the Ordinance does not allow this. Therefore in the application of Dr. J. Murray Mitchell, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of a tower 70 ft. high, 35 ft. from side property line and 23 ft. from rear property line, 1106 Dogwood Drive, Dranesville District, Mr. Smith moved that the application be denied as the applicant has not justified a variance based on the hardship section of the Ordinance; there is an alternate location on the property for this experimental amateur weather tower. Seconded, Mr. Barnes. Carried unanimously.

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IRENE GORDON, application under Section 30-7.2.6.5 of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 1, Block E, Section 1, Pimmit Hills, 2136 Pimmit Drive, Dranesville District (R-10), Map No. 40-1, S-605-67

Mrs. Gordon stated that she owns two houses in Pimmit Hills and would like to live in

one of them and have a small beauty shop operation in the other one. She does not live in either of them at the present time. She would continue to operate her shop in Arlington and take customers at home in the evenings and on Sundays.

Mrs. Henderson pointed out that this section of the Ordinance was not set up to cover this particular situation; it was meant to provide a needed service in areas where there were no beauty shops nearby and where the neighborhood was in favor of having one. It was not meant to establish a home occupation as a branch operation of another beauty shop.

Mr. Smith felt that the application was out of order because Mrs. Gordon does not live on the property and does not have control of the property. It is being rented as a residence and the people have a lease for perhaps six more months.

Opposition: Mr. Carl Carver represented the Citizens Association in opposition, saying that most of the points he had wished to make had been brought out by the Board members. He introduced Mr. Beckelheimer, next door neighbor of the house where Mrs. Gordon proposes the beauty shop operation; Mrs. Natalie Yerger, operator of the Pimmit Hills Beauty Salon only a short distance from the proposed operation; and Mrs. Raymond Ashby who lives across the street from the proposed operation. He presented two letters in opposition,,one from Mr. John J. Barnes and J. J. Murray.

Mr. Baker said he felt that Mrs. Gordon should abandon her business in Arlington before the Board could consider this as a home occupation.

Mr. Smith moved that the application of Irene Gordon, application under Section 30-7.2.6.5 of the ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 1, Block E, Section 1, Pimmit Hills, 2136 Pimmit Drive, Dranesville District, be denied for the following reasons -- the applicant has owned the property for 13 to 15 years and has never resided on the property which is now being leased by a real estate corporation; the applicant does not have control of the property; she lives in the District of Columbia and has a commercial beauty operation in Arlington and recently has sold another operation in Washington; this is not in keeping with the section of the Ordinance under which she has applied and the Board has no authority to grant this use. It would be highly undesirable to allow the owner of a commercial beauty shop to have a home occupational use such as this. Seconded, Mr. Barnes. Carried unanimously.

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JANE W. HARDING, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori school, primary grades, ages 2 1/2 to 6 year olds; hours of operation 9:00 a.m. to 3:00 p.m., approximately 25 children, Wedderburn Road (8513), Providence District (RE-1) Map No. 39-3 ((1)) Parcel 18, S-653-67

Mrs. Harding and her sister, Mrs. Polly Nixon, were present.

Mrs. Harding stated that she wished to open a Montessori School with approximately twenty-five children, most of whom would be there just during the morning hours, from 9:00 to 12:00, and at some time in the future as they progress, the older ones might be there until 2:00. The property is completely fenced and there have been two schools in this location previously. The school will not provide transportation.

No opposition.

Mr. Smith moved that the application of Jane W. Harding, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a Montessori School, primary grades, ages 2 1/2 to 6 years old; hours of operation 9 a.m. to 3 p.m., with a maximum of 25 children on the premises at any one time, be approved as applied for at 8513 Wedderburn Road, Providence District. It has been stated that the school will not provide transportation for the students and it is understood that sufficient parking will be placed near the classrooms -- five parking spaces to meet setback requirements. In view of the fact that there were previous schools in this location which apparently worked out well, the Board should recommend that if there are no severe problems existing that the site plan be waived due to very little or no changes in the terrain and construction on the property. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL & REFINING COMPANY, application under Section 30-6.6 of the Ordinance, to permit service station 25 ft. from side property line, west side of Columbia Pike, just south of Blair Road, Mason District (C-G) Map No. 61-4, Parcel 160, V-676-67

Mr. Hansbarger presented a letter from the Marshalls, adjacent property owners, stating that they were not opposed to the application.

Mr. Runyon stated that the buildings now on the property have been there since 1936 and they met all requirements when they were built. Now they violate all County setbacks with exception of the rear. They are asking a variance on the station in order to locate as shown on the plat, because of the curve of the road. If the station is faced

toward the highway it cannot be seen by traffic going east to west. If the application is approved it will enable them to do away with three non-conforming buildings which have served their use in the County. They plan to dedicate and build the service road in front of their property and will dedicate some land for widening of Columbia Pike.

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No opposition.

Mr. Hansbarger said this will be a three bay ranch style station and there will not be any variances required for construction of future buildings proposed on the property.

Mr. Yeatman moved that the application of Humble Oil & Refining Company, application under Section 30-6.6 of the Ordinance, to permit service station 25 ft. from side property line, on west side of Columbia Pike, just south of Blair Road, Mason District, be approved and that the applicant dedicate and construct the service road along Columbia Pike for the full frontage of the property. All other provisions of the Ordinance shall be met. Seconded, Mr. Smith. Carried unanimously.

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TIMBERLANE PARK APARTMENTS, application under Section 30-2.2, Schedule of Regulations, Col. 2 of RM-2 District, to permit operation of a delicatessen in an apartment building for tenants only, 7320 Lee Highway, Providence District (RM-2) Map No. 50-1, S-680-67

Mr. Joseph Conrad and Dr. Quase were present.

Mr. Conrad stated that the delicatessen would not be an extensive operation but would be similar to High's Store on a smaller scale. It would be leased to an operator. The proposed location is on a ground floor and contains approximately 900 sq. ft. of floor space. There would be no signs since this is intended for use by tenants only. They plan to be open eight or nine hours hours a day during the week and four hours on Sundays.

In order to best serve the tenants, Mr. Yeatman felt that the store should remain open from 7 a.m to 11 p.m. at least.

No opposition.

Mrs. Henderson noted a phone call from Mr. McGhee, adjoining property owner, stating that he had no objections to the application.

Mr. Smith moved that the application of Timberlane Park Apartments, application under Section 30-2.2 of the Schedule of Regulations, Column 2 of RM-2 Districts, to permit operation of a delicatessen in an apartment building, for tenants only, 7320 Lee Highway, Providence District, be approved as applied for, as outlined on the map submitted by the applicant. The square footage to be used for this operation will be approximately 900 sq. ft., constructed to conform and comply with all County regulations. Seconded, Mr. Barnes. Carried unanimously.

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HARRY R. JANSOHN, application under Section 30-6.6 of the Ordinance, to permit construction of a porch 19.05 ft. from the rear property line, Lot 235, Section 5, Willow Woods, 4509 Mullen Lane, Falls Church District (R-17 cluster), Map No. 70-1, V-683-67

Mr. Jansohn said he wished to build an open porch with A frame roof to gain access to the outside through his dining room. Because of the terrain and the number of trees on the property, this is the only feasible location for the proposed porch. The lot is very irregularly shaped and Mullens Lane curves inward and makes it a shallow lot in this area.

Mr. Smith commented that he would like to look at the area before making a decision as he felt there might be many other such lots in this cluster development.

Mr. Jansohn stated that the house is about two years old and he is the original owner.

Mrs. Henderson said she was reluctant to start granting variances in a new subdivision. There has been no evidence of hardship shown by the applicant. The porch would be nice to have but there must be other similar situations in the subdivision. Lot 239 behind Mr. Jansohn's lot looks like a very shallow lot with an angle.

No opposition.

Mr. Smith moved to defer to October 10 to view the property and surrounding area. Seconded, Mr. Barnes. Carried unanimously.

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MARY LOUISE FORRESTER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit neighborhood ballet classes in home, Lot 199 and 200, Block H. Mt. Vernon Grove, 9339 Booth Street, Mt. Vernon District (RE 0.5) Map No. 110-4, S-684-67

Mrs. Forrester explained that she gave ballet lessons to neighborhood children last spring and parents have asked her to do it again this year. These lessons would be given after school on Tuesdays and Wednesdays from 4 p.m. to 5 p.m. with a maximum of eight children in each session. The lessons would be given in the basement recreation room. The children would come from the immediate neighborhood and they would come on bikes, walk or be brought by their parents.

Mrs. Henderson read from the Inspections report regarding changes which must be made in Mrs. Forrester's home before she could conduct such an operation.

Mrs. Forrester said that she had been unaware of the changes which would be required and the requirement of an outside exit from the recreation room would rule out the proposal entirely as it is just not possible with this type of house.

Mr. Smith suggested using the family room but Mrs. Forrester said there was not enough unbroken wall space there to allow her to give the lessons.

No opposition.

Mr. Smith moved to defer the application for two weeks in order that Mrs. Forrester might pursue the application farther. Seconded, Mr. Barnes. Carried unanimously. Deferred to October 10.

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WOODBRIDGE MOOSE LODGE #583, application under Section 30-7.2.5.1.4.1 of the Ordinance, to permit erection of addition to Moose Lodge, and permit building addition closer to property lines than allowed, Lots 1 and 2, James Cranford Estates, 9612 Fernedge Lane, (north side of Route 1), Lee District (RE-1) Map No. 107 ((6)) 1 & 2, S-685-67

Mr. Henry Mackall represented the applicant. In answer to questions by Mr. Smith, Mr. Mackall replied that there had been no additions to the building since it was erected in 1956. Their membership is less than 800.

Under the existing Ordinance, Mrs. Henderson stated, the use is definitely non-conforming and she said she did not see how the Board could expand it. She asked if the Lodge ever built the swimming pool and recreation area that was part of the original permit.

Mr. Johnson, Secretary of the Moose Lodge, said that the pool was not constructed and they do not intend to construct it. That space will be used for parking area.

Mrs. Henderson noted that the original permit called for a 4,000 sq. ft. building but the one that was built contains approximately 7,000 sq. ft.

The 90 parking spaces shown on the plat are not adequate for 800 members, Mr. Smith said.

Mr. Mackall stated that the Moose Lodge has a contract to purchase Lot 3 and this is to be used for additional parking.

No opposition.

Mr. Smith moved to suspend the hearing to October 10 to allow Mr. Mackall to give proper notification of the hearing, to submit new plats including the new piece of property, and showing 200 parking spaces on the property meeting all setback requirements. Seconded, Mr. Barnes. Carried unanimously.

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ROGER JONES, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10 ft. from side property line, Lot 37, Section 1, Sleepy Hollow Manor, 6310 Eppard Street, Mason District (R-12.5), Map No. 51-3 ((11)) 37, V-687-67

Mr. Jones stated that he moved to the property about 1 1/2 years ago and since that time his family has grown and he needs additional space. The house is about 10 years old.

Mrs. Henderson suggested putting the addition in the rear of the house but Mr. Jones said it would be more expensive to build there and because of the number of trees he did not wish to put it there.

Mr. Jones' situation basically is no different than all the other houses in Sleepy Hollow Manor, Mrs. Henderson said, and it is not a situation that is peculiar to this particular lot.

Mr. Yeatman felt that it might be a good idea to allow all the carports in Sleepy Hollow Manor to be enclosed if the owners desired.

ROGER JONES - Ctd.

It is probably a good idea, Mr. Smith agreed, but the Ordinance prohibits it.

Then Mr. Jones should contact the Supervisor for his district and see if the Ordinance could be changed to allow him to enclose the carport, Mr. Yeatman said. There are many others in that area who would like to do the same thing.

A statement from Mr. Jones' next door neighbor said he was not opposed to the application.

No opposition.

Mr. Smith moved that the application of Roger Jones, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10 ft. from side property line, Lot 37, Section 1, Sleepy Hollow Manor, 6310 Eppard Street, Mason District, be denied as the applicant has failed to show hardship as defined by the section of the Ordinance under which he has applied for the variance. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion to deny.

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TYSON'S CORNER REGIONAL SHOPPING CENTER, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre, 8100 Leesburg Pike, Dranesville District (C-D) Map No. 29-4, 39-2, S-689-67

Mr. Hansbarger and Mr. Joseph Glenn were present. Mr. Glenn showed plans and layouts for the treatre and explained that this would actually be two theatres leased to one individual, Mr. Francis Storty. One theatre will have 600 seats and the other will have 1200 seats. They will show films concurrently, one starting a little sooner than the other in order to regulate traffic flow. There is plenty of room for parking.

No opposition.

Mr. Smith moved that the application of TYSON'S CORNER REGIONAL SHOPPING CENTER, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre, 8100 Leesburg Pike, Dranesville District, be approved in accordance with plans submitted and area designated for theatre use -- two theatres, one with seating capacity of 600 and the other 1200; all other provisions of the Ordinance shall be met. The application covers two theatres proposed under the same operation, in the same building, at the Tyson's Shopping Center. Seconded, Mr. Barnes. Carried unanimously.

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THEODORE GRAY, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to property line than allowed, Lot 26, Section 2, Dogwood's Addition to Woodhaven, Dranesville District (RE-1 Cluster), Map No. 20-3, V-694-67

Mr. Gray said he had selected the lot about 1 1/2 years ago and the house which he proposes must be placed in the location shown on the plats due to problems regarding septic field location.

The house is just too large for the lot, Mrs. Henderson said, and the Board agreed that Mr. Gray should find a larger lot or plan a smaller house, one that will fit on the lot without any variances.

No opposition.

Mr. Smith moved that the application of Theodore Gray, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to property line than allowed, Lot 26, Section 2, Dogwood's Addition to Woodhaven, Dranesville District, be denied as the applicant has failed to exhibit a hardship as defined by the Ordinance. This is a new subdivision and the applicant is contract purchaser proposing to build an 80 ft. house on the lot. The lot is far too small to meet setback requirements for the area with this particular type of house. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS O. LAWSON AND KATHERYNE G. LAWSON, application under Section 30-6.6 of the Ordinance, to permit division of lot with less than the required frontage, Lots 57 and 26, Sections 3 and 3A, Fox Lake, Centreville District

Mr. Ralph Louk represented the applicants. He stated that Mr. Lawson wishes to build a house on Lot 57; his mother still owns Lot 26. Rearranging the lots as proposed makes Lot 26 a more properly shaped lot plus giving room to build on the high ground. The house could not be arranged on Lot 57 the way it is at present in such a way that it would topographically fit in as there is quite a sharp dropoff. Lot 57 contains 3 acres and Lot 26 contains 2 acres in its present state; however, if it is divided as proposed, each lot will contain 2 1/2 acres. Although Lot 26 will be a non-conforming lot, the house will be constructed as far back as possible and will probably meet the 150 ft. requirement.

Mr. Verlin Smith spoke in favor of the application.

THOMAS O. AND KATHERYNE G. LAWSON - Ctd.

There was no opposition.

Mr. Smith moved that the application of THOMAS O. LAWSON AND KATHERYNE G. LAWSON, application under Section 30-6.6 of the Ordinance, to permit division of lot with less than the required frontage, Lots 57 and 26, Sections 3 and 3A, Fox Lake, Centreville District, be approved as applied for. This resubdivision is necessary in order to bring about two usable building lots and without this one lot would be a borderline lot as far as the placement of the house and development of the lot itself is concerned. The house will be set well back on the lot so in all probability it will meet the Ordinance requirements. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

CHARLES A. STACKHOUSE, application under Section 30-6.6 of the Ordinance, to permit porch enclosure and addition closer to front property line than allowed, Lot 48, Sec. 3, City Park Homes, 2912 Marshall St., Falls Church District (R-10), Map No. 50-4, ((16)) 48, V-666-67

(Deferred from August 1 to view the property and surrounding area.)

Mr. Smith moved that the application of Charles A. Stackhouse, application under Section 30-6.6 of the Ordinance, to permit porch enclosure and addition closer to front property line than allowed, Lot 48, Section 3, City Park Homes, 2912 Marshall Street, Falls Church District, be approved as applied for. These lots are limited as to additional construction and the request seems to be a very minimum one to make to give the applicant additional living space. Seconded, Mr. Yeatman. Carried unanimously.

(Mrs. Henderson noted that she had viewed the property and the addition would not interfere with sight distance.)

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COLONIAL PIPELINES - Mr. Tom McKean and Mr. Richard Kaluptka were present. Mr. McKean stated that Colonial Pipelines wish to modify their existing underground facilities and construct a 12'x12' 8 ft. high building used for sampling products from the main line. They would also like to put in a pond to be used in case of spillage. These are extra safety precautions which would give more protection to the citizens of the area. The Board felt it would be necessary for Colonial Pipelines to file an application for public hearing before any part of this request could be approved.

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LEE VOLKSWAGEN OF SPRINGFIELD - Request to extend building - Mr. Smith moved that Mr. Lee be allowed to extend the building (43'x20') as it would not adversely affect anyone. Seconded, Mr. Barnes. Carried unanimously.

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MRS. HAROLD M. SHAW (Day camp - swimming pool and bathhouse) - Mr. Yeatman moved that the request for extension be granted for a period of one year. Seconded, Mr. Barnes. Carried unanimously.

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W. O. QUADE - Request for extension of permit: Mr. Yeatman moved that Mr. Quade be granted a one year extension. Seconded, Mr. Baker. Carried unanimously.

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Mrs. Henderson noted a letter of complaint from Mr. Linwood M. Gorham, President of the Woodburn Complex Citizens Association regarding the COMMUNICATIONS WORKERS OF AMERICA. The Board authorized Mr. Woodson to check into the matter and if an inspection reveals violations of the use permit that they be given notice of the violation and thirty days in which to comply with the permit. Failure to comply within this period would necessitate appearance before the Board of Zoning Appeals to show cause why permit should not be revoked.

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The Board considered the request of the GRAHAM ROAD METHODIST CHURCH to allow a nursery school one day a week from 9 to 3 for pre-school children, similar to a baby-sitting service while mothers are attending meetings at the church, and decided that an application would have to be filed.

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The Board authorized Mr. Woodson to check into the proposal to erect two antennas for research and testing as outlined by a letter from the Fairfax County Industrial Development Authority. If these temporary towers are found to be safe (not of a noxious nature) they may apply to the Board for a permit.

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The Board requested that Mr. Burton come to the September 26 meeting to discuss the siren pole at the Penn Daw Fire Station.

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The Board acted to allow the St. Aiden's Episcopal Church to add ten children to their present school.

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Arlington Moose Lodge - In view of incomplete plat submitted, Mr. Smith moved that the Board request that the applicant submit new plats to Mr. Knowlton showing the outlines that the staff desires and paved areas for parking within 60 days or the Moose Lodge shall show cause why permit should not be revoked. Seconded, Mr. Baker. Carried unanimously. Plats should show no less than 300 parking spaces.

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The meeting adjourned at 5:10 P.M.
By Betty Haines

Mary K. Henderson
Chairman

September 25, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, September 26, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Barnes.

The Board proceeded to the second application on the agenda while the first applicant, Mr. W. C. Wills, secured his notices.

CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a dial center, on east side of Walker Road, Rt.681, 755 Walker Road, Dranesville District (RE-1) Map No. 13-1 ((1)), Parcel 26, S-688-67

Mr. Randolph Church represented the applicant. He pointed out other properties in the area which the Telephone Company had investigated as possible sites for this dial center but which had been too small, not available, or which had problems of drainage or percolation. The property involved in the application adjoins C-D property.

Mr. J. R. Wine, engineer of the Telephone Company, employed by them for 14 years, stated that the subject property contains approximately one acre. The dial center is necessary to serve the Forestville area, to give them the same service as in the rest of the Washington Metropolitan area. The tallest portion of the building would be 17 ft. in height, designed for expansion to the rear. The dial center would not create any traffic hazards, no noise, odor, fumes, vibration, pollution, radioactivity, no interference with electrical equipment, no storage of vehicles or materials. It will be occupied by two maintenance men and designed and constructed in accordance with County Building Codes. Construction would start this fall and the equipment will be ready for service in December 1968. Mr. Wine showed a rendering of the proposed building. The exterior would be of white quartz exposed panel.

Mr. Smith objected to the large sign on the side of the building identifying the Telephone Company. He did not feel that it should be permitted on dial centers in residential zones.

Mr. Woodson said that a 24 sq. ft. sign would be allowed in a residential zone under a use permit.

Mr. Church presented a petition containing twelve names in support of the application.

Would the proposed dial center bring the residents of Great Falls into the Washington metropolitan service area so that there would not be a toll charge on calls to the District, Mr. Smith asked?

Mr. Harry Lindsay, Area Manager of Fairfax, advised that the residents of Great Falls are already a part of the Washington Metropolitan service area.

The proposed location for the dial center adjoins commercial land, Mr. Church stated, and probably two years from now all of it will be commercial. They started to apply for a change of zoning but felt that because of the time element involved it would be better to apply for the special use permit. They need this new dial center as soon as possible. The present site contains .491 acre and is not large enough for the necessary expansion. The type of equipment will be changed by this new dial center and they would propose to sell the present site when the new center is in operation.

If the application before the Board is approved, the Board should have assurance that the Telephone Company will proceed to have this land brought into commercial area by a rezoning application, Mr. Smith said.

In view of the fact that there is going to be considerable commercial development here, Mrs. Henderson said, it would be an advantage to the Telephone Company to move the building back and dedicate about 20.84 ft. for widening of Walker Road.

Representative of the Telephone Company said they would widen the road in front of their property and install curb, gutter and sidewalks as required by the County, and any future developments in the area would have to do the same thing. They will widen the road for the full width of their property and set the building back to meet all County requirements. They do not wish to set the building back any farther than they have to as they are allowing for future growth to the rear and a septic field will have to go there also. The building will be expanded to handle 20,000 subscribers in addition to the 1500 they have now, and 20 ft. of space to them can mean enough space to handle 20,000 more subscribers.

But, Mr. Yeatman pointed out, if the property is rezoned to a commercial classification, they would pick up another 25 ft. along the side.

No opposition.

Mr. Smith moved that the application of Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation

of a dial center on east side of Walker Road (Rt. 681), 755 Walker Road, Dranesville District, be approved under the following conditions: that the building constructed be as outlined by the engineer and not more than 17 ft. in height; that the C&P Telephone Company dedicate along Walker Road 40 ft. from the center line of Walker Road, that the road be widened to meet site plan requirements and as recommended by the Staff; if the Staff sees fit to eliminate the sidewalks on the front portion of the property they may do so, but none of the other conditions shall be eliminated; parking area for nine vehicles shall be provided in accordance with County Codes; all combined signs of the building as long as this is in a residential zone shall not be more than 24 sq. ft. This is granted to better serve the residents of the area. The Telephone Company agent has stated that the 1/2 acre of commercial land that is now being utilized by the company is not sufficient for present expansion and to provide additional facilities in the future. The new installation will greatly improve dialing for people in the area. Seconded, Mr. Barnes. Carried unanimously.

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W. C. WILLS, application under Section 30-6.6 of the Ordinance, to permit division of lots with less width at the building setback lines than allowed, Proposed Lots 1 and 2, W. C. Wills Addition to Brook Hill Estates, Mason District (RE-1) Map No. 71-3 ((1)) Parcel 3, V-686-67

Mr. Wills returned with his notices. His residence is presently on the entire tract, he stated, and he would like to cut off two one acre lots. The variance is requested only on Brook Hill Drive. The entrance to Lot 3 will be off Bradford Drive; Lot 2 will use the existing driveway and 30 ft. driveway which will be put in for Lot 1 off Brook Hill Drive. Sewer runs through the property. There is plenty of room for houses to be built; the only reason for requesting the variance is to permit division of the lots and for the driveway itself. When the property was bought, it was deeded that he had the right to subdivide this into three one acre lots. This division would meet the acreage requirements of the Ordinance.

Opposition: Mr. Julian Dixon, owner of Lot 64 in Brook Hills Estates and resident of the area for ten years, said that when he purchased his lot he considered the surrounding area as well as his lot, and he noticed the Wills property which is an asset to the community. It occurred to him at the time that the Wills property might be intended for division but he did not feel this could be done without violating the zoning laws. They have enjoyed the parklike setting of the Wills property over the years and they are relying on zoning regulations to keep their home from being crowded. To allow Mr. Wills to subdivide as proposed would result in devaluation of property values in the area. He read letters in opposition from Mr. and Mrs. Francis Downey, owners of Lot 110 (objecting because Mr. Wills did not seek out the voice of the Brook Hills Civic Association and because he did not notify the owner of Lot 64); Mrs. McDonald, owner of Lot 83; Mr. and Mrs. Truitt, owners of Lot 44A (because they felt this would be a direct violation of zoning restrictions designed to protect property owners); Mr. and Mrs. Berry, Lot 47 (because they felt it would be detrimental to property values); Mr. Johnston, owner of Lots 45 and 45A (because he had not been notified by Mr. Wills); Mr. and Mrs. Baldwin, owners of Lot 65, also signed by the owners of Lot 46, (opposed to any exception to the zoning regulations of the area.) He also noted a letter from Mrs. Hechriter objecting to the change of zoning, and Mrs. Henderson pointed out that it is not a change of zoning. Letters of opposition were also read from Mr. and Mrs. Johnston, owners of Lot 48, and Mr. Byrne, owner of Lot 84.

Mr. Smith explained that Mr. Wills is not requesting a change of zoning -- the lots proposed are as large, or larger, than any lots in Braddock Hills Estates and under the one acre zoning now permitted in the area, this is permitted. The only question before the Board is the actual entrance to the property. One of the lots happens to be narrow at the building setback line which would not meet the building restriction for one acre lots, however, Mr. Smith continued, the house can be set back on the lot at such an angle so that it would. This is one of the reasons for the variance section -- to grant relief in cases such as this. The Board is not changing the zoning in any way. Mr. Wills is only asking to be allowed to make a reasonable use of his land.

Mrs. Henderson suggested to Mr. Dixon that he purchase Lot 1 if he wished to preserve his view.

Under today's Ordinance, Mr. Yeatman pointed out, the existing lots in Brook Hills Estates would not meet the frontage requirement. If these homes were to be built today they would also require a variance.

Six people were present in opposition.

Mr. Wills should subdivide into only two lots, Mr. Dixon said -- one facing Bradford Drive and the other fronting on Brook Hill Drive.

That would not meet the setback requirements on Brook Hill Drive, Mrs. Henderson said. He only has about 60 ft. on Brook Hill Drive and if he cut off Lot 3, that makes the remaining 2 1/2 acres non-conforming as he does not have 150 ft. on Brook Hill Drive.

If there were any other way to solve this problem other than by a variance, Mr. Smith said, he would be willing to consider it but he has studied the plat and if the Board denies the request, Mr. Wills can go to court and get it right away. This is a matter of whether the Board conforms to the responsibilities set forth under the Ordinance in cases such as this, or whether the Board wants to be arbitrary and deny the application and have Mr. Wills go to court and get it.

Mrs. Truitt referred to a section of a covenant on the Brook Hills Subdivision and said that no lot in the subdivision was supposed to be subdivided or used for construction of multiple dwellings and she assumed that the Wills property would remain in its present state.

Mr. Smith said that the Wills property was not a part of Brook Hills Estates according to the Assessments map. Mr. Wills could put in a cul-de-sac and not need a variance, he said, but it would be foolish to put in such a big roadway that would take that much land out of green space and the present proposal is the best arrangement.

Mr. Burgandy tried to protect the people in the area by putting in his covenant that he could not divide into more than three pieces of property, Mr. Wills said, even though his property was not a part of the Brook Hills Estates. He has owned and lived at this property for 12 or 13 years.

Mr. Yeatman moved that the application of W. C. Wills, application under Section 30-6.6 of the Ordinance, to permit division of lot with less width at the building setback lines than allowed, proposed Lots 1 & 2, W. C. Wills Addition to Brook Hill Estates, Mason District, be approved and that the property be divided in accordance with plats submitted. All other provisions of the Ordinance must be met. Seconded, Mr. Baker. Mr. Smith offered the following amendment which was accepted by the maker of the motion; seconded by Mr. Baker: there will be no further variances on Lots 1 and 2 for construction of single family dwellings. Carried unanimously. Mrs. Henderson said she voted for the motion because she felt it was a reasonable request. The lot area exceeds zoning requirements and ~~putting~~ a house on Lot 1 will set back at a distance of certainly 150 ft.

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EUGENE D. MURPHY, application under Section 30-6.6 of the Ordinance, to permit an 8 ft. privacy fence to remain as erected in side yard, Lot 29, Block D, Section 4, Mosby Woods, 10217 Confederate Lane, Providence District (R-12.5) Map No. 47-4 V-690-67

Mr. Murphy explained that he was requesting a 1 ft. variance on the height of 300 ft. of red cedar fence in his back yard. When the fence was installed, he was unaware of any height restrictions imposed by the County. The fence was placed there to provide maximum protection for his daughter's bedroom window which is on the ground floor as there have been cases of "Peeping Toms" in the area. The entire fence has cost in excess of $1200. It was constructed about two years ago.

Mr. Woodson reported that the violation had been reported by one of Mr. Murphy's neighbors.

When the fence company installed the fence he told them he wanted a 7 ft. fence, Mr. Murphy said, but due to a drop in the elevation of his land, the fence had to be 8 ft. high in that area in order to keep the top of the fence even.

Opposition: Mr. Michael Zehala, 10215 Confederate Lane, President of the Mosby Woods Civic Association, said the variance had been considered by their board of directors and they are opposed to it. There is no other fence this high in their subdivision and this one, if allowed to remain, could set a precedent. They are in sympathy with the applicant, but in the overall interest of the community they have no alternative other than to recommend denial of the application.

Vernon W. Wilson, 10219 Confederate Lane, stated that he was rather surprised to find out that he was named as the complaintant; true, he had called the County when the fence was first erected, but since he had heard nothing further, he had assumed that the fence was all right.

Since Mr. Murphy's lot adjoins the City of Fairfax line, Mr. Smith said, where there are no restrictions on the height of fences, perhaps Mr. Murphy was unaware that he was in the County part of Mosby Woods where there were restrictions.

T. D. Tedder, 10221 Confederate Lane, objected to granting the variance, in principle. There have been reported "Peeping Toms" recently but they have never been able to pin it down, and if everyone is allowed to have a fence as high as this one, the area will become very unsightly.

Mr. Yeatman felt that it was an unintentional mistake and the application should be granted, however, Mrs. Henderson pointed out that the fence was not covered by that section of the Ordinance since it reads "after a building permit has been issued", and that does not pertain to a fence.

In the past the Board has allowed 12 ft. fences around tennis courts, Mr. Smith said.

EUGENE D. MURPHY - Ctd.

Mr. Murphy said he has lived in the house for over five years and is a permanent resident of the area. He did not realize that the fence was in violation at the time of construction.

Mr. Smith moved to defer to November 14 to view the property -- deferred for decision only. Seconded, Mr. Yeatman. Carried unanimously.

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ARTHUR RICHMOND, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a private pre-school, ages 2 to 5 years old; hours of operation 7 a.m. to 6 p.m., maximum number of children 25, Lot 25, Section 8, Huntington, 5841 Fifer Drive, Mt. Vernon District (RM-2) Map No. 83-1, S-691-67

John C. Blackwell, attorney, and Mrs. Richmond were present. This is to be a day care center for children ages 2 through 5, Mr. Blackwell stated, and the hours of operation would be from 7 a.m. to 6 p.m.. There is a definite need for a day care center in the neighborhood. The Richmonds have lived there for over three years. Mrs. Richmond would have assistance in the school.

In one of the pictures presented of the house, Mr. Smith said, there is a for sale sign in the yard, and he pointed out that if the permit was granted for the school, it would be granted to Mr. and Mrs. Richmond only, non-transferable, so the school could not be sold.

Mr. Blackwell stated that the house is about fifteen years old. All of the other houses in the area are duplex houses. Before opening the school, the house would be brought up to standards. The children would be brought by their parents and most of them would come from the neighborhood.

Mr. Blackwell presented a petition with 31 signatures in favor of the application; however, a letter from Mr. and Mrs. James Marshall addressed to the Courthouse, asked that their names be removed from the list as they are not property owners.

Mr. Baker, real estate agent, and owner of property directly across the street from the proposed school, spoke in favor of the application.

Opposition: Mr. John Kovalts, 5815 Fifer Drive, resident of the area for 16 years, said the house is an unfit building for the school and he felt this was a case of exploitation, using children as a means; he asked that the Board view the site. The traffic congestion is already bad and the school would add to it. The house is located on a dead end street and there are many children in the area whose lives would be endangered by increased traffic. There is no need for the school, there are plenty of schools in the area.

There were seven people present in opposition.

Mrs. Weakley, representing her parents next door, stated that there are no day care problems at Brownie School or Margey Dawn. Most of the homeowners are opposed to the school and the petition was signed mostly by renters. Her parents object to the application mainly because of noise and increased traffic.

Mrs. Henderson noted a petition with 8 signatures, one letter, and one telephone call from residents on Fifer Drive in opposition.

Mr. Smith moved that Mr. and Mrs. Arthur Richmond be granted a permit to operate a private pre-school under Section 30-7.2.6.1.3 of the Ordinance, Lot 25, Section 8, Huntington, 5841 Fifer Drive, Mt. Vernon District, under the following conditions: that the applicant rearrange the parking as indicated on the plats with a circular type driveway to allow free flow of traffic in and out of the premises; that all parking and discharging of children involved in the operation be on the premises, within the required setback; that the application meet all requirements of the Building Inspector, Fire Marshal and Health Department, and State requirements as to the operation of a day care center as set forth in the application; children ages 2 to 5 years old; hours of operation 7 a.m. to 6 p.m., maximum number of 25 children on the premises at any one time. The Board will recommend to the Staff a waiver of site plan requirements because of the use and community activities involved. Parking for no less than three automobiles shall be provided for the use, meeting all setback requirements. Permit shall be granted to Mr. and Mrs. Richmond only, non-transferable. Seconded, Mr. Yeatman. Carried unanimously.

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The application of John R. Strang & Louis E. Childers, Jr. was placed at the end of the agenda since the applicant was not present.

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THE RICHARDS CORP., application under Section 30-6.6 of the Ordinance, to permit erection of a second story addition 26 ft. high, 16.1 ft. from property line, located at 1545 Spring Hill Road, Dranesville District (I-P), Map No. 29-3 ((1)), Parcel 63A, V-696-67

Mr. Woodson informed the Board that the applicant had worked out his problem and the application was no longer necessary; the applicant wishes to withdraw the application.

Mr. Smith moved that the applicant be allowed to withdraw his application. Seconded, Mr. Baker. Carried unanimously.

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BOBBY G. GOODMAN, application under Section 30-6.6 of the Ordinance, to permit dwelling addition 10.5 ft. from rear property line, Lot 18, Section 1, Annandale Gardens, 3604 Michael Court, Falls Church District (R-12.5), Map No. 60-3, V-697-67

Mr. Goodman stated that he desired to put an addition on the side of his home, 16.5 x 28.1 ft. in size. The house is set at such an angle that a variance would be necessary no matter where the addition is placed. There is no basement in the house, and no dining room. The living area contains only 932 sq. ft. with no place in the house for utilities so the additional space is badly needed. The house was built in 1949 or 1950. He has lived in the house for five years, he said. All the neighbors are in favor of the addition; they have room for the same thing without needing a variance.

No opposition.

Mr. Smith moved that the Board grant in part the application of Bobby G. Goodman, application under Section 30-6.6 of the Ordinance, to permit dwelling 10.5 ft. from rear property line, Lot 18, Section 1, Annandale Gardens, 3604 Michael Court, Falls Church District, to allow construction of the addition 14.5 ft. in width instead of 16.5 ft. as requested; and 23.1 ft. in length instead of 28.1 ft. The house was poorly placed on the lot on a concrete slab and it is almost impossible to move the house. This is the only practical place for the addition on this small dwelling. The application is granted in part to allow the applicant to make a reasonable use of the land area to improve the dwelling to make it more livable and to conform with the building code. All of the proposed addition must meet existing building codes and all sections of the Ordinance which apply. Seconded, Mr. Barnes. Carried unanimously.

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J. P. COUREMBIS, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 38.88 ft. from Street property line, Lot 9, Maryview Subdivision, 6411 Maryview Street, Lee District, (R-12.5), Map No. 82-3, V-692-67

Mr. Courembis said the subdivision is new; only one house is occupied. The house involved in the application is under roof, the plumbing and wiring are completed. He was not aware of the violation until an engineer made a check and told him that he had infringed upon his front property setback on one corner of the house. The man who staked out the house told him that he pulled from the property line to the other property line between Lots 9 and 8. There was another stake parallel to the street farther down but that was never found. This was the reason for the error. There is an easement running between Lots 8 and 9 and the middle of the easement is the property line between these two lots. These are the first houses he has built in the County, Mr. Courembis said, but he has built in Arlington County for twenty years. One corner of this house is 1.12 ft. too close to the setback line. All of the other houses are set well back. There are twenty-four houses in all.

No opposition.

Mr. Yeatman moved that the application of J. P. Courembis, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 38.88 ft. from street property line, Lot 9, Maryview Subdivision, 6411 Maryview Street, Lee District, be approved as applied for as this appears to be a mistake in layout and is filed under the mistake clause in the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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S. E. BECHTEL, application under Section 30-7.2.8.1.1 of the Ordinance, to permit erection and operation of dog kennel, property at 6201 Poburn Road, Falls Church District (RE-1), Map No. 77 ((1)), Parcel 77A, S-693-67

Mr. Bechtel stated that he would like to board some dogs and possibly go into breeding of miniature dogs. He has lived in this location for two years and has five dogs of his own at present. The kennel would accommodate 20 to 30 dogs, no particular breed of dog. It would be a boarding kennel. Exterior runs will be drained into a separate septic system. The proposed building will be 50x12'; the 12' does not include the runs.

Runs must be 100 ft. from all property lines as must anything else pertaining to the kennel, Mr. Smith pointed out. The drainfield can be put within 15 ft. of property lines but any above ground operations relating to the kennel will be laid out or approved by the Health Department.

S. E. BECHTEL - Ctd.

No opposition.

Mr. Smith moved that the application of S. E. Bechtel, application under Section 30-7.2.8.1.1 of the Ordinance, to permit erection and operation of a dog kennel, property at 6201 Poburn Road, Falls Church District, be approved as applied for on this 7 acre tract of land; that the proposed 50'x12' building be placed in the general area where it is proposed but allow him to move it enough to allow for the runs near his property line. It is understood that runs will be no closer than 100 ft. from any property line; permit is based on Mr. Bechtel getting approval for construction of this kennel in conformity with County and State regulations pertaining to dog kennels; there will be a water system and new septic system provided for the facility. Maximum number of thirty adult dogs on the property at any one time. All other provisions of the County and State Code pertaining to dog kennels shall be met. Parking area shall be placed on the property to conform with County Code to provide parking for no less than six autos. Must meet all setbacks as outlined by the County Ordinance. Construction of parking lot shall be according to County Code. Seconded, Mr. Barnes. Carried unanimously.

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Attorney for FAIRFAX FALLS CHURCH MENTAL HEALTH CLINIC requested deferral to November 14. Mr. Smith moved to defer to November 14; seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE CHRISTIAN COMMUNITY FOR ACTION - Representative requested deferral to allow him to send out letters of notification. Mr. Smith felt that proper notice had already been given -- the property was posted and advertised.

Mr. Yeatman moved to defer to October 10 for proper notice. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion because he felt the Board should hear the case today without written notification.

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JACQUELINE SLEEPER NOVAK, application under Section 30-7.2.8.1.2 of the Ordinance, to permit erection and operation of a riding stable on east side of Hunter Mill Road at Washington and Old Dominion Railroad right of way, Centreville District (RE-1) Map No. 27-2 ((1)) Parcel 12, S-702-67

Mr. Stephen Best, attorney, and Mrs. Novak, were present.

Mr. Best presented a copy of Mrs. Novak's lease with Mr. Thomas for a term of two years commencing first day of July 1966, running through June 30, 1968, with an oral statement for continuation of the lease if he does not sell the property.

Mrs. Novak said she lives on the property and hoped to start full session next week. There are forty horses on the property. The operation as proposed for the next one or two years will not need more than 30 school horses but she would like to board horses for her students -- never more than 60 horses on the property at one time. The property contains 53 acres and is quite remote from other surrounding areas. There is a barn with stalls for thirteen horses and another large barn which is not divided. They have been improving the fences which are very poor. The horses got out once and got into one of the farmers' corn crop. She offered to pay for damages but he would not accept it. The horses have also gone through a neighbor's yard and got into Mr. Baker's vegetable garden. If the permit is not granted there would still be the problem of horses getting out. She presented a petition in favor of the operation.

Mr. Best told the Board of Mrs. Novak's qualifications as a riding instructor. She has made arrangements to provide riding instruction for the Fairfax County School Board, YMCA, private schools and camps.

Mrs. Novak described her experiences in Montgomery County, teaching riding as a part of the recreation program. This was a great success. There are about seven schools in the Bethesda and Washington area, she said, that would like to ride at this location. She has not contacted the private schools in the County but has talked with Mr. John Long of the Arlington YMCA and has initiated a riding program for this fall. They give thirteen lessons per semester, one lesson per week. In the private school system they would provide transportation, but in the public schools, since they get a reduced rate, they furnish their own transportation. Classes are divided into eight members. They do not allow unsupervised riding. Classes are handled by qualified instructors. Public school rates are $35.00 for ten lessons (1 hour sessions); Individual students are given fifteen lessons for $80.00. This is a semester. They would have some trail riding off the property.

Mr. Smith informed Mrs. Novak that if a permit were granted, the operation would be restricted to the 53 acres under the use permit.

JACQUELINE SLEEPER NOVAK - Ctd.

Mrs. Novak said their hours of operation would be Monday through Friday (summer) from 9 a.m. to 8:30 p.m.; in the fall, winter and spring -- from 10:30 a.m. to 6:30 p.m. Saturday hours of operation 9:00 a.m. to 6:00 p.m.; Sunday hours 10:00 a.m. to 6:00 p.m. year round except for the summer when they would not operate on Sundays.

Mrs. Riggs who has been taking her daughter to Middleburg for riding instruction, spoke in favor of the application; she felt this type of thing was needed in the community.

Mrs. Dorothy Grant spoke highly of Mrs. Novak's qualifications as an instructor. She herself has a similar operation in Washington (Rock Creek Park), she said.

Opposition: Mrs. Nordlie presented an opposing petition. She pointed out that Mrs. Riggs does not live close to the property in question. This operation has been going for quite some time and they have had as many as forty horses in the past year. They have had to put up barb wire to keep the horses off their property. The Novaks have not put barb wire up. The fences have not been repaired for a year. She has lived on Hunter Mill Road for ten years. She told of one occasion when one of Mrs. Novak's horses strayed onto her property and stayed there half the night and all day.

Mrs. Kidwell told of another occasion when Mrs. Novak's horse came onto her property and stayed there for three days; no one called or came looking for the horse. She finally sent her son to the Novaks to see if it was their horse and two small children came back and claimed him. Another time eleven horses got into their corn field. They did not charge the Novaks because the police told them they would first have to get a warrant and they do not have time to go to court since they operate a dairy farm. They own sixty acres mostly in hay and corn and the horses were in the hayfields all summer. Twenty-four of them got into Mr. Cockerill's yard one morning and he chased them down the road with his car. Mrs. Kidwell said that they had spent between $50 and $60 on posts and wire in order to keep the horses out of their fields. If you go to the Novaks, she said, you are very rudely treated. Their own cows have gotten out several times but since they fixed the fence, Mrs. Kidwell said, they don't get out again.

Mrs. Henderson noted that Mr. L. S. Carter who had signed the opposing petition was asking to have his name withdrawn as he is convinced that the Novaks are taking steps to keep the horses in.

Mr. Best explained that Mrs. Novak has been working and was not at home during the day to see that the horses were kept in. If the permit is granted she will be at home and the horses will not get out.

Mrs. Novak stated that she has tried to express her apologies in every way she knows how and has tried to pay for the damage. The fencing is finished and the horses have not been out for two weeks. If she cannot start her riding business next week then she won't have any business. It will be March before she can start another semester.

Even if the application were approved today, Mr. Smith said, it would still be several weeks before the site plan could be approved. The school could not possibly start next week. How many contracts do you have with County schools, Mr. Smith asked?

The contracts are with Montgomery County schools, Mrs. Novak replied.

The Board's first consideration would be the citizens of our County, Mr. Smith said, and Mrs. Novak is indicating that she needs a permit right away to provide this service to the citizens and school children of the County, and to his knowledge, there is no contract with a County school for such a service. He felt that the Board would be amiss if they did not take a better look at the operation prior to granting a permit.

Mr. Yeatman moved to defer to October 10 and Mr. Barnes can inspect the property and the fencing. Seconded, Mr. Barnes. Carried unanimously.

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The application of SOUTHDOWN CORPORATION (deferred from August at the applicant's request) was deferred again to October 10 because no one was present at this hearing. On October 10 Mr. Woodson should inform the Board as to what the applicant's plans are and the Board could proceed with the hearing or withdraw the application. Seconded, Mr. Barnes. Carried unanimously.

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JOHN R. STRANG & LOUIS E. CHILDERS, JR., application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing building closer to street property line than allowed, Lot 82 and 30 ft. of Lot 81, Annandale Subdivision, 4201 Martin Avenue, Falls Church District (COL), Map No. 71-1, V-695-67

Mr. Strang said they wished to move their entire operation to the back of the building and would place an addition on the front of their building. All the other buildings on the block have the same setback as theirs would have with the addition.

The building is a one story building which used to be a residence. There is enough space on the property for the addition but they felt they were better utilizing the property by doing it this way.

Mrs. Henderson said she felt the request was almost identical to the case of Lee Volkswagen and was a reasonable one.

No opposition.

Mr. Yeatman moved that the application of John R. Strang & Louis E. Childers, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of an addition to existing building closer to street property line than allowed, Lot 82 and 30 ft. of Lot 81, Annandale Subdivision, 4201 Martin Avenue, Falls Church District, be granted. This will make all the buildings in line. The site plan must be reviewed, particularly with relation to parking. Application must meet all offstreet parking requirements; applicants will agree to dedicate and construct street improvements as originally indicated. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Burton regarding the Penn Daw Fire Station:

"To: J. Overton Woodson, Zoning Administrator

From: Willis H. Burton, Jr., Fire Administrator

Subject: Siren Pole for Penn Daw Fire Station

As we discussed yesterday, the Penn Daw Fire Station is relocating and they desire to combine two present siren locations into one. This would be on the Water Authority property where they have their large new water tank in Groveton. Are any special permits required from Zoning? I would appreciate this information at your earliest convenience as the relocation of the station will be occurring very shortly."

In view of the removal of the existing siren in the area and placing it in what seems to be possibly a better location which would better serve the area as a warning device, Mr. Smith moved that the Fire Department be allowed to locate the siren on the Water Authority property as outlined by Mr. Burton and within 30 days after the commencing of use that the old siren be removed from the existing pole and would no longer be in use. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM H. N. HATCHER - Riding Stable: Mrs. Henderson stated that the Board was pretty upset to find out that Mr. Hatcher had started his barn without coming in for approval of its location as he was told to do.

Mr. Hatcher said he did not know that the builder had gone ahead and obtained the building permit. The permit was supposed to have been in the name of Frenchie's Riding School, but the builder obtained it in Mrs. Handy's name. The builder was engaged to give him an estimate of what the barn would cost, Mr. Hatcher said.

Mr. Alexander Wilson, attorney for Mr. Hatcher, said that with a copy of the motion passed by the Board on June 13, Mr. Hatcher went to the builder, Mr. Morris, to obtain information as to what the cost would be to build the barn, and to discuss with him the location of the barn. They went over the premises and since the land is in Mrs. Handy's name and it was necessary to secure a loan in order to build this $11,000 barn, Mr. Hatcher went to the building and loan association and they required that the property be put up as security for the loan. At that time there was confusion as to the securing of the building permit. The plat was then presented to County officials showing the location of the barn that was to be built and it was Mr. Hatcher's understanding that by submitting this plat to the County with the location of the barn drawn to scale, that he had met the Board's requirements.

Mrs. Henderson commented that Mr. Hatcher must have been very deaf at the time of the last hearing when it was so specifically stated that the Board would have to approve the location and it is nowhere near where he indicated during the hearing that it was to be put.

The contractor has built a lot of barns, Mr. Wilson said and after the hearing in June there were heavy rains and on the low ground water accumulated about 2 ft. The builder felt that the barn should be placed on high ground. He could not put it near the spring because the Health Department would not approve this so close to Mrs. Handy's water supply. The spring is enclosed and has been her source of water supply for a long time. When he found out that Mr. Morris had gotten the permit in Mrs. Handy's name and started construction, he immediately told him to cease work.

Mr. Smith said he had meant for the barn to be as far from the Gordon property and Lewinsville Road as possible. He had felt that the operation could be of service to the County under certain conditions but what has happened was not in keeping with what he had in mind.

The plat shows the proposed location of the Barn, Mr. Wilson said, it was submitted and approved.

The plat shows a barn 100 ft. from all property lines in the name of Gladys Handy, Mrs. Henderson said, so, of course, it was approved. The girls in the office did not know that this was the proposed Hatcher riding stable.

Mrs. Henderson read from the transcript of the June hearing for Mr. Wilson's benefit since he had not been present before today. She said she was certain that Mr. Hatcher had understood just where the barn was to be located.

Mr. Wilson said that it would be criminal to force them to locate the barn in the low areas.

If this is the only location for the barn, then the permit should not have been granted, Mr. Smith said, and now is the time to correct the situation. If the barn under construction were a barn for Mrs. Handy's own private use, Mr. Smith said, this would be all right because it is 100 ft. from all property lines, but he would never vote for a barn this close to residential property for commercial purposes.

Mr. Wilson asked to defer the matter so they could present another site plan showing a location to meet the requirements indicated today.

Mr. Smith said he was willing to give Mr. Wilson a chance to rectify the mistake if it is done within a reasonable time,but in the future someone should take over the supervision of construction and not let it get out of hand. He wanted to be assured that Mrs. Handy would not be made to pay for moving the barn as this is between Mr. Hatcher and his contractor.

Mr. Wilson said he would like the record to show that he was retained in the matter after it got into this situation and he assured the Board that all requirements would be met so that they would give favorable consideration of the application.

In regard to the written motion, Mrs. Henderson said, the secretary they had that day was a temporary secretary while the regular secretary was on maternity leave; that was her first day and perhaps she did not realize that the Board wants every last word in the written motion because the motion as heard on the record is much more complete than the written motion. Mrs. Henderson said she had spoken to her after reading her first set of minutes and told her that the Board wants more details. The people who are present at today's hearing will remember what was said about Mr. Hatcher coming back before the Board and since it was of such great concern to Mr. Hatcher, she said she was surprised that he did not remember. The location was a tremendous issue, and verbatim, point number twelve from the record -- "that a stable will be drawn to scale on the present plat and resubmitted to the Board prior to issuance of a permit." She also noted a letter dated September 25, citing dates when people come in and out of the entrance off Lewinsville Road. The letter stated that Mr. Hatcher himself uses the gate constantly as well as girls who ride on the property. Also horses are being ridden up and down Lewinsville Road.

Mr. Hatcher said one of the girls who keeps a horse on the property takes him up Lewinsville Road to her house.

Mr. Wilson assured the Board that this area would be closed off so that no vehicular or any other type of travel could go through, and that Mr. Hatcher would be oriented to all restrictions that are placed upon the use permit and will meet every single requirement.

Opposition: Mr. M. E. Davis charged that Mr. Hatcher was not capable of operating this business. He informed the Board that Mr. Hatcher had erected two signs advertising the operation on his property, one within 15 ft. of Lewinsville Road. The exit on Lewinsville Road is used every day of the week with as many as four horses. Since it is his belief that he should be present each time Mr. Hatcher makes a statement, he would like to have the application deferred to a date later than October 10 since he will be away on vacation during that time.

Mr. Gordon said he would like to have the horses kept away from his property line. Since the last hearing Mr. Hatcher has put up a fence on the line and the horses are only 17 ft. from his house.

The intent of the motion, Mr. Smith reiterated, was to keep the horses and the entire operation 100 ft. from the Gordon home.

In order to please Mr. Gordon, Mr. Wilson said, a fence was put along the side of the property in accordance with discussion with Mr. Gordon as to where it should be; both Mr. Hatcher and Mrs. Handy have tried to make him happy. He apologized to the Board

September 26, 1967

William H. N. Hatcher - Ctd.

and said he would do everything within his power to see that every requirement, every restriction of the use permit is met and when they appear before the Board the next time, they will be able to satisfy the Board that they have met or are in the process of meeting every requirement of the use permit.

The horses should be kept out of the 100 ft. setback area, Mr. Smith said. The fence that is next to the Gordon property could be moved 100 ft. from the property line but Mr. Hatcher would still be required to maintain this area within the setback area, cut the grass, etc. and there should not be any complaints from Mr. Gordon.

There are two fences on the property right now, Mr. Wilson said, the fence which was built some years ago, and the other fence which was built according to Mr. Gordon's wishes.

Mr. Hatcher put up fencing 30 ft. from his house, Mr. Gordon said. All he was asking, he said, was that the horses be kept 100 ft. off his property line.

Would Mrs. Handy as property owner be allowed to plant two rows of corn in this 100 ft. space, Mr. Wilson asked?

Either she is going to have a farm or a riding stable, she must decide which she wants, Mr. Smith said. Under a use permit there are certain restrictions which must be placed on the property and this is one of them. If she wishes to keep her agricultural use, she can plant corn right up to the edge of the property.

Mrs. Henderson said he could plant flowers there, certainly, she did not think that would be objectionable to anyone.

Mrs. Brewer said she felt that Mrs. Handy had been taken in by Mr. Hatcher who has proved himself to be a very irresponsible man. As to the girls using the gate, she said her daughters know these girls, and they have been given a key to the gate by Mr. Hatcher.

Mr. Smith moved to defer to October 10 for new plats showing the proposed location of the barn where it was originally supposed to be placed. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she voted against the application from the very beginning.

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COMMUNICATIONS WORKERS OF AMERICA - Mr. B. T. Rucker represented the applicant.

The Board discussed the reported violation regarding the use of the driveway on the property. Representative of the Communications Workers said their attorney had not sent them a copy of the motion, therefore they did not realize that they were in violation. They have been operating for a period of 14 months and did not know that it was necessary for them to have an occupancy permit.

The permit expired in July, Mr. Smith said. Their attorney should have informed them that if they did not comply with the use permit within a year they would no longer have one. They will have to file a new application and start all over again and in the meantime cease operation. The other Board members agreed.

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Mrs. Henderson read a letter from Sibarco Stations, Inc. requesting an extension of their permit. They have been unable to get a sewer permit from the County. In all fairness to the applicant, Mr. Smith moved that they be allowed a six months extension. Seconded, Mr. Baker. Carried unanimously.

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The Vienna Little League requested an extension of their permit which expires in October 1967; they have been unable to obtain necessary approval of drainage. Mr. Yeatman moved to grant one year's extension; seconded, Mr. Baker. Carried unanimously.

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The Board agreed to take up the request of Stewart B. West at their next meeting.

The meeting adjourned at 8:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

October 13, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 10, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

VIRGINIA DYNAMICS, application under Section 30-6.6 of the Ordinance, to permit erection of an office building on the State right of way line and waive rear screening requirements on east side of Backlick Road, approximately 600 ft. south of Franconia Road, Mason District (C-N), Map No. 90-2, ((1)), Parcel 34, V-709-67

Mr. William Dowdy represented the applicant, stating that they wished to waive the screening request. Originally the property was 92 ft. in width and 238 ft. in length, however, some three years ago the Highway Department acquired a 60 ft. right of way across the property in order to provide an easement to the rear property owners. The right of way is not a road in its true sense because it is not traversed daily. It is actually an ingress-egress dead end. The lot is irregular and narrow, and contains about 7,700 sq. ft. The building will be set back 65 ft. from the right of way of Backlick Road. He urged the Board to give careful consideration to this land in relation to other buildings and land in the immediate area. The purpose and intent of the Ordinance is to give consideration to the surrounding environment, he said. He felt that the request was in harmony with the orderly development of the property in the immediate area and would in no way be injurious to the neighborhood. It would be an asset and would help alleviate some of the congestion in this commercial area. The strict application of the code would deprive the applicant of a reasonable use of his land. The property has an unusual shape and there is no possible way that it could have access to the interstate or the Springfield Interchange. The building would have to face the dead end ingress-egress road. Because of its unusual shape, because of the nature of the ground and because there are special circumstances resulting in this property having its present status, Mr. Dowdy said he felt this was sufficient criteria for granting a variance in this case. There would be a total of 4,000 sq. ft. of office space with parking underneath.

The arguments about the shape of the lot and the circumstances are very valid, Mrs. Henderson said, but whether this is the right building for this piece of land, she was not certain. She did not think the applicant could get the required parking space on this ground, especially if it is determined that more land is needed for dedication on Backlick Road. Starting out in this very crowded location would not allow room for this company to grow.

The applicant does not at present own the property, Mr. Smith said, and they are aware of conditions prior to purchase. It seemed to him that the people who have owned the land since 1943 should be the ones requesting the variance. He felt that the request contained in this application was far in excess of what the Board is authorized to grant. The design is good, he said, and the underground parking is a good arrangement but he felt that the building was too large for the property. He is aware of the situation which exists and the development pattern which has taken place is not a good one. Possibly the entire area should be rezoned to the C-G category or some category which does not require any setback from property lines and this would allow proper development. Some relief should be given in this case but not to this extent. The situation is bad and it should be improved with new construction rather than allow another clustered situation such as this as traffic is very bad in this area.

Mr. Knowlton reported that Mrs. Barber's property adjoining is included in the Land Use Plan for Springfield as commercial property.

Mrs. Henderson felt that some other use could locate on this property with a more narrow building.

Opposition: Mr. Stephen Best represented Mrs. Barber and her family in opposition. Her concern is not the fact that the office building would exist there, he said, but the possibility that this access to her property might be used for parking. Presently there are cars there from time to time.

It is a state road, Mrs. Henderson said, so Mrs. Barber does not have exclusive right to it.

The applicant would have to put in curb and sidewalk and dedicate 40 ft. from the line, Mr. Yeatman noted.

Mrs. Henderson said that it was obvious that any building put on the property would need a variance but she felt that this total exception was too much. A smaller use should be put on the property.

Site plan has been worked out in the Planning Engineer's office, Mr. Dowdy said, and there has been no waiver requested on the parking requirements. Parking will be strictly complied with. The supporting columns underneath will be six inch supporting columns and will not interfere with parking. Sixteen spaces will be provided.

Since this is a corner lot, Mr. Smith said the building should be redesigned to allow a better arrangement, possibly by moving it back 15 to 20 ft. off the right ofway line.

If the State had not created the problem, these people could have developed the land with a larger building, Mr. Yeatman said, but the State made a corner lot out of an interior lot and he felt the Board should view the property before making a decision. He moved to defer to November 14 for decision only. Seconded, Mr. Baker.

Mr. Whytock, representing Gus' Broiler, adjacent property owner, said that they were not in opposition but would like nothing in the record to show that they approve of it.

Motion to defer carried unanimously. (See below)

At the end of the meeting Mr. Dowdy returned, informing the Board that contract expires in October and they would like to have a decision on October 24. The Board agreed to hear it then providing that Mrs. Barber, Mr. Whytock and Mr. Best are notified of the change in date.

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GABRIEL S. CALVO, *application under Section 30-6.6 of the Ordinance, to permit room under construction to remain 20.4 ft. from rear property line, Lot 45, Section 2, Mantua Hills, 9138 Leghorn Place, Providence District (R-12.5)*, Map No. 58-2, V-710-67

Mr. Adelard Brault represented Mr. Calvo. Mr. Calvo, he explained, is a native of Chile, arrived in the United States in August 1960. Since 1961 he has operated the Pine Ridge Esso Service Station, and purchased a home in Mantua Hills December 1962. He has been a highly regarded and respected citizen of this subdivision since then. He has five children and has felt a need for extra space so he started construction of a room to provide some extra space, not knowing that he needed a building permit. The men who did the work on a day to day basis did not call it to his attention. He had practically finished the addition when the violation was discovered and has invested about $2,000 so far. The line which is in violation of the setback requirement is perpendicular to the rear lot line -- it should be 25 ft. and is 20.4 ft. There is some screening in the rear of the lot now and he plans to increase the screening to afford maximum privacy for that bedroom. The neighbors have no objections and it would create a tremendous hardship to the family to have to remove the addition.

How close is the house on Lot 34 to the rear lot line, Mrs. Henderson asked?

The two houses are on different elevations, Mr. Calvo replied; that house is lower than his and when he looks out of his window he sees the roof.

This is an irregular shaped lot, Mr. Yeatman said, and the topography of the land has a lot to do with the case. The room is in violation only on one corner.

There is an angle at the rear lot line that creates the problem, Mrs. Henderson said.

Mr. Brault stated that the room was placed in such a position as to lend itself most favorably to the topography of the lot and to the size and shape of the house. This was an honest mistake, Mr. Calvo did not know that he needed a permit. The laborers he contracted to do the work probably thought he had a permit.

If he had acquired the permit he would not have had the problem, Mr. Smith said, and under the mistake clause of the Ordinance first the applicant must obtain a building permit prior to beginning of construction. The Board has denied many variances in Mantua.

No opposition.

Mr. Yeatman moved that the application of Gabriel S. Calvo, application under Section 30-6.6 of the Ordinance, to permit room under construction to remain 20.4 ft. from rear property line, Lot 45, Section 2, Mantua Hills, 9138 Leghorn Place, Providence District, be approved and that all provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mr. Smith pointed out that the Board caused a man some time ago to remove a garage. He was not given the same consideration as this gentleman is being given, and although he supported the action of the Board at that time, he felt that more information should be obtained prior to any hasty decisions.

If this case is granted, Mrs. Henderson said, it is a case where the Board is justifiably called "the leaky valve in zoning" and as much as she has great sympathy for Mr. Calvo the application does not fit the mistake clause of the Ordinance which says "after a building permit has been issued". The Board is not set up to have its sympathies played upon; they are authorized to go by the Ordinance.

Mr. Smith also sympathized with Mr. Calvo but reminded the Board that it is not being consistent in requiring one person to remove a much more expensive addition from his home, and it was on a larger lot. The case is now in court. He felt that the Board was hastily moving into this situation out of sympathy. Messrs. Baker, Yeatman and Barnes voted in favor of the motion. Mrs. Henderson and Mr. Smith voted against the motion. Carried 3-2.

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October 10, 1967

SOCONY MOBIL OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of service station 47 ft. from Chain Bridge Road, and permit pump islands 20 ft. from Chain Bridge Road, Lot 59B, Old Courthouse Subdivision, 2048 Chain Bridge Road, Providence District, (C-G), Map No. 39-1, V-701-67

Mr. Warren Davis appeared before the Board since Mr. Fitzgerald was in court and could not be present. On June 21, 1966 this application was granted by this Board, he said, and since that time they have had many problems in starting construction. The site plan was returned several times for changes. At this particular time they are in a position to begin construction and he requested that the Board grant the application again.

There was one thing in the motion before about the type of station to be built, Mrs. Henderson said, and she hoped the type of station could be changed.

The reason the variance was granted before, Mr. Smith said, was because of the taking by the Highway Department. There is quite a bit of land in the rear, perhaps the station could be moved back some.

No opposition.

Mr. Smith moved to defer action for additional information on submission of site plan originally. Defer to November 28 and provide an answer on securing additional land. He said he was concerned about the Board of Supervisors granting a waiver after the Board has granted variances. Perhaps there is not enough land here for a service station; Hoped Mr. Fitzgerald could be present on that date, and hoped that they would present rendering of proposed station showing either Colonial, ranch style or other nice looking building. Seconded, Mr. Barnes. Carried unanimously.

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ARTHUR E. SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of a stable 22 ft. from rear property line, Lot 2, Hazel T. Ferguson Subdivision, 12512 Chronical Drive, Centreville District (RE-1), Map No. 55-4, V-704-67

Col. Smith stated that he would like to place the stable on a knoll for drainage purposes and because in that location he would not be required to remove as many trees. They own three ponies and one horse at the present time and they have five acres.

Mrs. Henderson suggested that the barn be moved over 10 ft. to give a minimum of 40 ft. from the side line. There is a provision in the Ordinance which permits a barn 20 ft. from the rear and 40 ft. from side property lines.

Mr. Smith felt that this section of the Ordinance should be reworded to read "two acres or more of land" as he felt that owners of five acres should be able to enjoy the same privileges allowed for owners of 80,000 sq. ft. in a recorded subdivision.

No opposition.

Mr. Smith moved that the application of Arthur E. Smith, application under Section 30-6.6 of the Ordinance, to permit erection of a stable 22 ft. from rear property line, Lot 2, Hazel T. Ferguson Subdivision, 12512 Chronical Drive, Centreville District, be approved to allow the applicant to construct a stable in conformity with the amendment to the Ordinance allowing a stable to be placed 20 ft. from the rear property line and 40 ft. from either side property line in the rear portion of his lot. This is a five acre tract of land and he felt that a person owning five acres should have the same advantages as an owner of 80,000 sq. ft. in a recorded subdivision as this would have less of an impact. All other provisions of the Ordinance pertaining to this construction shall be met, "All other requirements of the Ordinance" is not to be interpreted as meaning site plan requirements. Seconded, Mr. Barnes. Carried unanimously.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a communications center, Belmont Boulevard at its intersection with Gunston Road, Mt. Vernon District (RE-2) Map No. 113 ((1)), Parcel 101A, S-705-67

Mr. Koontz represented the applicant. There is a repeater station on the property now for which a permit was granted in 1965, he said, but now there is a tremendous need for a dial center in the area. The dial center would be a one story building with partial basement, providing equipment space for 5,000 subscribers. When completed it would employ two or three men a day from 8:00 a.m. to 5:00 p.m. Parking space for seventeen cars would be provided. The building would be filled with electromechanical switching equipment. There would be no odors, fumes, vibrations, interference with television or electrical equipment. The proposed dial center would be adequate for their needs until 1978.

Mr. Gunter of the Telephone Company said the building would be of red brick. The repeater hut now on the property would be incorporated into the design of the other station by making it appear as a gatehouse. There are two acres of land involved in the application and any signs on the buildings would comply with requirements of the Ordinance.

October 10, 1967

CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA - Ctd.

No opposition.

Although there is no written approval from the Planning Commission, they did unanimously recommend approval, Mrs. Henderson said.

Mr. Smith moved that the application of the Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a communications center, Belmont Boulevard at its intersection with Gunston Road, Mount Vernon District, be approved in conformity with the plats and the testimony given today. This is to serve the immediate vicinity and long range planning period of approximately ten years to serve the growth in the area. All other provisions, including site plan requirements, shall be met. This means that the C & P Telephone Company, under the site plan ordinance, will be required to dedicate 30 ft. from the center line of the existing 30 ft. road and meet the screening requirements around the parking area -- dedication and construction if the Staff determines construction suitable at this time. Seventeen parking spaces should be sufficient. All other provisions of the Ordinance shall be met.

Mr. Knowlton said he had just been shown a plat of redesign of the interchange which the Staff was unaware of.

Mr. Smith said the motion should be left as stated until the interchange design is settled and if there is a need for a change other than the specifics of the motion, if the Highway Department says they don't need the dedication, a letter could be sent to the Board for their records. Seconded, Mr. Barnes. Carried unanimously.

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GEORGE V. HALL, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 54 ft. from center line of 15 ft. outlet road, Lot 1, James L. Hall Estate, 6500 Linway Terrace, Dranesville District (R-17), Map No. 31-3, V-706-67

Mr. Hall said that when he applied for a building permit, the Zoning Office advised him that since the 15 ft. service road provides principal access to the E. I. Smith property, he would have to comply with normal zoning regulations of 70 ft. from the center line of the principal thoroughfare. None of the five people notified were in objection. He has a carport which he plans to enclose in breezeway fashion when the garage is built. The house is placed to the front of the lot because of drainage problems in the rear. It is a rambler and lends itself to the garage as he has planned it. The outlet road is considered a part of his lot as he pays taxes on it. It also serves another family besides the Smiths but is not their main access -- they do have a 20 ft. right of way on the side of their property which would give them access. This lot has been in his family for about two hundred years. The road has been there as long as he can recall.

Mr. E. I. Smith, Mr. Hall's uncle, said the property was divided when Mr. Hall was a boy. Mr. Smith and his wife bought three acres; the Wrenns bought two acres and they have another access to their land. The Smith property is the only property depending upon this outlet road for access and they have no objection to Mr. Hall's request.

No opposition.

It seems like a reasonable request, Mr. Smith said, and certainly this is an unusual situation where the owner has inherited a parcel of land that has come down through the generations and the road was placed here to serve the property to the rear of Lot 1. He moved that the application of George V. Hall, application under Section 30-6.6 of the Ordinance, to permit erection of a garage 54 ft. from center line of 15 ft. outlet road, Lot 1, James L. Hall Estates, 6500 Linway Terrace, Dranesville District be approved and all other provisions of the Ordinance pertaining to this construction be met. Seconded, Mr. Barnes. Carried unanimously.

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GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT, application under Section 30-6.2.1.2 of the Ordinance, and Section 30-6.6, to permit erection and operation of a fire station 20 ft. from right of way of Route 95, Mason District, (RE-1), Map No. 90-2 ((1)), Part Parcel 21, S-708-67

Mr. George Polk, President of the Fire Department, introduced the architect and the engineer.

This station will serve approximately 450,000 persons in the Springfield area, the architect stated. This site was donated by Mrs. Edna Hunter and contains about two acres. They have designed a one story four bay drive-thru facility with related spaces for office, control room, work shop, bunk room, restroom facilities, etc. The service doors are located on either side. They are asking the variance in order to gain as much space as possible on the front of the property for the large trucks to exit properly. The longest truck is over 50 ft. in length. They would dedicate land for road purposes.

Mr.Dove, engineer, stated that they would use septic tank and drainfield until sewer becomes available. Public water is in the State right of way now.

No opposition.

GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT - Ctd.

Since the letters from the Fire Commission and Fire Marshal regarding this application were not contained in the folder, the Board adjourned for lunch, while waiting for the letters to be found.

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Upon returning from lunch, letters from Mr. Woods, Chairman of the Fairfax County Fire Commission and W. H. Burton were read in support of the application.

In view of the receipt of letters from Mr. Burton and the Fire Commission, and in view of Planning Commission approval of the application, Mr. Smith moved that the application of the Greater Springfield Volunteer Fire Department, application under Section 30-6.2.1.2 and 30-6.6 of the Ordinance, to permit erection and operation of fire station 20 ft. from right of way of Route 95, Mason District, be approved in accordance with plats and renderings presented and that all other applicable provisions of the Code, both County and State, be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

WOODBRIDGE MOOSE LODGE #583, application under Section 30-7.2.5.1.4.1 of the Ordinance to permit erection of addition to Moose Lodge and permit building addition closer to property lines than allowed, Lots 1 and 2, James Cranford Estates, 9612 Fernedge Lane (north side of Route 1), Lee District (RE-1), Map No. 107 ((6)), 1 & 2, S-685-67

(Deferred from September 12 for new plats showing additional land, building addition not exceeding setbacks of present non-conforming building, and parking requirements.)

Mr. Mackall presented new plats, showing 207 parking spaces, and an additional lot.

Representative of the Moose Lodge stated that negotiations are underway to acquire property between the Lodge and Route 1 and they hoped to acquire all the property in front of Route 1 in the near future.

Mr. Knowlton stated that site plan requirements would require all kinds of improvements in front of the property. The existing road does not meet requirements of a road in the State system but does meet the requirements of a private driveway.

Mrs. Henderson suggested adjusting the parking so that it would be no closer than 25 ft. to any property line. This seems reasonable since this is an existing operation which has been here for a number of years, she said.

No opposition.

Under the site plan ordinance, would they be allowed to have unpaved parking areas for this type of operation, Mr. Smith asked?

Mr. Knowlton replied that this would not be allowed.

Mr. Mackall said the parking lot would be paved. He did not think they would ask for site plan waiver of this requirement.

Mr. Smith moved that the application of Woodbridge Moose Lodge #583, application under Section 30-7.2.5.1.4.1 of the Ordinance, to permit erection of addition to Moose Lodge and permit building addition closer to property lines than allowed, Lots 1, 2 and 3, James Cranford Estates, 9612 Fernedge Lane, (north side of Route 9), Lee District (RE-1) be approved in accordance with revised plats, the addition to conform to present construction -- that there be more than 200 parking spaces provided, that the parking be rearranged so there would be no parking within 25 ft. of any property line. All of the parking area is to be constructed and made dustfree in conformity with County standards. All other provisions of the Ordinance applicable to this application must be met. Seconded, Mr. Barnes. Carried unanimously.

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HARRY R. JANSOHN, application under Section 30-6.6 of the Ordinance, to permit construction of a porch 19.05 ft. from rear property line, Lot 235, Section 5, Willow Woods, 4509 Mullen Lane, Falls Church District (R-17 cluster), Map No. 70-1, V-683-67

(Deferred from September 12 to view.)

Mrs. Henderson said she had viewed the property and there is an alternate location for the porch over the garage. It might cost more money but it would make a more handsome porch.

It would cost twice as much to put it over the garage, Mr. Jansohn said.

Under the Code the Board is not allowed to consider the cost factor, Mr. Smith explained; this is a new subdivision and an excellent idea, but there is nothing in the ordinance to allow the Board to grant the application.

October 10, 1967

HARRY R. JANSOHN - Ctd.

Mr. Smith moved that the application of Harry R. Jansohn, application under Section 30-6.6 of the Ordinance, to permit construction of a porch 19.05 ft. from rear property line, Lot 235, Section 5, Willow Woods, 4509 Mullen Lane, Falls Church District, be denied as the application does not meet the section of the Ordinance under which it was filed; the house does not have any unusual circumstances that do not pertain to other houses throughout the county constructed under similar conditions in cluster type zoning. There is an alternate location for a porch on the property. Seconded, Mr. Barnes. Carried unanimously.

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MARY LOUISE FORRESTER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit neighborhood ballet classes in home, Lot 199 and 200, Block H, Mt. Vernon Grove, 9339 Booth Street, Mt. Vernon District (RE 0.5), Map No. 110-4. S-684-67

Mr. Smith moved that the application of Mary Louise Forrester be allowed to be withdrawn without prejudice in view of the fact that Mrs. Forrester has indicated that she will be unable to provide the necessary facilities for ballet classes in her home as outlined by the Fire Marshal. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE CHRISTIAN COMMUNITY FOR ACTION, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, approximately 40 children ages 3 thru 5, hours of operation 7:30 a.m. to 6:30 p.m., five days a week, John Calvin Presbyterian Church, 6531 Columbia Pike, Mason District (R-17), Map No. 60-4, Parcel 35A, S-699-67

Mrs. Tredgren stated that there is a need for a day care center in their area. They have sixteen children now who need this day care center and nine from Higher Horizons who are not eligible for that school since their mothers have gone to work and the family income has exceeded $3,000 per year. The ACCA Day Care Center will be backed and supported by twelve Christian Churches in the County. They have a budget of $30,000 - $35,000. Tuition will be on a sliding scale, according to family income, with 10% of the pupils paying the full amount. Primarily these are Negro children but the program would not be restricted to Negro children alone. In some cases these will be children from broken homes, many of them on Welfare. The day care center will have a teacher-director and another teacher, and volunteer workers when the teachers need relief. They will have a professional staff also -- bus driver, part time nurse and cook. This will be a non-profit organization. This operation would not interfere with the kindergarten which is already being held in this church mornings.

No opposition.

Mr. Smith moved that the application of Annandale Christian Community for Action, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day care center, approximately 40 children ages 3 through 5, hours of operation 7:30 a.m. to 6:30 p.m. five days a week, John Calvin Presbyterian Church, 6531 Columbia Pike, Mason District be approved for a maximum of 40 children on the premises at any one time. All other provisions of the State and County Codes shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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JACQUELINE SLEEPER NOVAK, application under Section 30-7.2.8.1.2 of the Ordinance, to permit erection and operation of riding stable, east side of Hunter Mill Road at Washington and Old Dominion Railroad right of way, Centreville District, (RE-1), Map No. 27-2 ((1)), Parcel 12, S-702-67

(Deferred from September 26 to view the property and to determine whether fencing is adequate.)

Mr. Barnes stated that after viewing the property and seeing the work that has been done on the fences, he felt this was an ideal place for a riding school.

Mr. Smith said that he was concerned about some of the statements which were made by Mrs. Novak at the last hearing -- they were not necessarily complete facts. She has no contract of any kind with the County School Board, he said. He talked with Mr. Ford who said she came into his office asking to be allowed to place literature in some of the schools. They allowed her to do this but they were not endorsing the program nor taking part in it. So far as Mr. Ford knew, Mr. Smith continued, there has been no response to the program. Her permit in Montgomery County was given up June 1967, and she only operated with the Recreation Department in that County for a short period of time last spring. They have no future interest in participation in the program, mainly because she is in Fairfax County now. If the permit is granted, Mr. Smith said, it should be limited to one year in order to give Mrs. Novak an opportunity to become a better neighbor.

If the permit is granted it should be made clear that no summer camp is involved in this permit, Mrs. Henderson said.

Mr. Best said there would not be a summer camp. They are now making an attempt to buy the property. Their lease runs out the first of July 1968.

Mrs. Nordlie testified that the horses have not been out since the sign was posted.

Mr. Barnes said he understood that Mrs. Novak was planning to lease some other property for pasture. Would she be permitted to run the horses on the other land without permission of the Board?

She could not use it as part of the riding school, Mrs. Henderson said, but she could turn the horses out to graze. All school operations would have to be contained within the 53 acres.

Mr. Knowlton reported that a waiver of site plan has been requested and will soon be heard by the Board of Supervisors. There is not adequate sight distance southward from the entrance and his office has made recommendations to the Board of Supervisors to alleviate this problem. One of the statements made in the letter to the Board for waiver of site plan was that there would be horse shows on the property two or three times a year. It is the policy of the Planning Engineer's office to pick out what they consider might create problems in requestsfor waivers. Widening the road one lane approaching the entrance from the south and removing trees is a very minimal requirement compared to what would be required under site plan.

Mr. Best said he thought the most pressing problem was visibility rather than the deceleration lane. Mrs. Novak could eliminate the horse shows if this would create any problems.

In the application of Jacquelyne Sleeper Novak, Mr. Yeatman moved that the application be granted, provided the applicant make the entrance conform with State sight distance for entrance on a secondary road; that all other provisions of the Ordinance be met. At the end of Mrs. Novak's lease, she may come in and apply for extension of the application if there have been no complaints. Seconded, Mr. Barnes.

Mr. Smith offered an amendment -- to limit the number of horses to sixty.

Mr. Yeatman amended his motion to read 53 horses on 53 acres leased by the applicant. Permit to be granted to the applicant only, non-transferable.

Mr. Smith added that if the applicant desires to extend her permit beyond July 1968 that she make application and appear before the Board thirty days prior to the expiration date of July 1, 1968; that the recommendation of the Staff in regard to the request for waiver of site plan be incorporated into the motion -- and be complied with prior to beginning of construction; a 150 ft. twelve foot wide deceleration lane in front of the property; that foliage be cleared and banks be graded to provide adequate sight distance, and that the property be adequately fenced.

Mrs. Henderson restated the motion as follows: that the application be granted provided that the recommendations of the Staff in regard to the request for site plan waiver be complied with: sight distance requirements and deceleration requirements, that they be complied with before issuance of permit; granted for a total of 53 horses on the property at any one time; fencing to be constantly maintained to prevent as nearly as possible any horses getting out onto other property; granted to the applicant only until July 1, 1968; applicant may appear before the Board thirty days prior to that if an extension is desired.

Mr. Yeatman felt that the applicant should be allowed sixty days to get the deceleration lane in and meet staff requirements.

There is another entrance to the property, Mr. Best said, and perhaps they could use one as an entrance and the other as an exit to provide safe access to and from the property.

Mr. Knowlton said the intention of his report was to allow the applicant to operate provided that thirty days after operation begins, these requirements would be completed.

Mr. Smith felt the operation should not be allowed until the deceleration requirements and sight distance requirements have been met.

The first item takes a little time, Mr. Knowlton said, and they could probably get it done within thirty days. The sight distance could be taken care of immediately.

Voting on Mr. Yeatman's motion to follow Staff recommendations regarding sight distance and deceleration lane with a limit of thirty days, but the operation could begin as soon as sight distance is taken care of: Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion. Voting on the second part of Mr. Yeatman's motion -- total of 53 horses, granted to July 1968 (applicant may come in 30 days prior to July 1, 1968 if she wishes an extension); 83 parking spaces; granted to applicant only, non-transferable. Carried 4-1, Mr. Smith voting against the motion.

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October 10, 1967

THE SOUTHDOWN CORPORATION, application to permit erection of a gatehouse in 50 ft. right of way, Parcel B, Southdown Subdivision, Dranesville Magisterial District, (RE-2), Map No. 3, V-634-67

(Deferred for new plats showing the building location out of the right of way.)

Mr. Laylin asked the Board to review their objections for Mr. Mackall's benefit.

As he understood the application, Mr. Mackall said, it was for waiver of setback requirements from the property line. The question of whether or not the building could be constructed in the right of way is a legal question, he said. If the owners of the right of way have no objections to a building being put in, he did not think there was a legal problem.

Mr. Laylin did not give the Board a reason for placing the gatehouse in the right of way, Mrs. Henderson said -- why couldn't it be moved off the right of way and negate the problem?

They want to take the mailboxes off the main road, Mr. Mackall said, place them all into a nice little building off the highway. They have put this location within the right of way as one of convenience and for esthetic purposes. The existing plan calls for 19 mailboxes and if they are all put out on the highway it will create a traffic hazard.

Why not put it on the other side of the road out of the easement, Mrs. Henderson asked?

There is a hill on that side, Mr. Mackall said, and the building could not be tucked into the pine trees and would not be as esthetically attractive. Perhaps the 50 ft. right of way should be made a 16 ft. right of way so far as the records are concerned.

How is this going to be maintained, Mr. Yeatman asked?

The site is owned by Southdown, Mr. Mackall replied; they will build it and maintain it till they get enough owners to take it over.

Mr. Smith felt that the Board did not have authority to allow this construction in the road serving these houses. The application does not indicate what section of the Ordinance this is filed under. Who owns the property on the other side of the road, he asked?

That is owned by the Western Reserve Company, Mr. Mackall said. The 660 acres proposed for development is owned by Southdown and the Western Reserve Company.

Mr. Mackall said he was certain that he could find a section of the Ordinance under which the application could be filed. He invited the Board to view the property.

Mr. Barnes moved that the application be deferred to the second meeting in November for the Board to view the property and for Mr. Mackall to find out what section of the Ordinance the application should come under. Seconded, Mr. Baker. Carried unanimously. (Deferred to November 28.)

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WILLIAM H. N. HATCHER, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable on northerly side of Leesburg Pike, approximately 1/2 mile west of Airport Access Road, Dranesville District (RE-1)

(Deferred for new plats relocating the barn.)

Although the plats do not show it, Mr. Wilson said, the fence running along the line of the Gordon and Gray property is in place and is within the 100 ft. setbacks. The barn location is over the crest of the hill. He said he doubted seriously whether Mr. Gordon standing in front of his window would be able to see it. They could not get it any closer to the corner because it would have been too close to the spring. Mr. Hatcher and Mrs. Handy were horrified to find that someone had put the sign back up and as soon as they saw it they took it down. It will be dismantled completely.

Mr. Yeatman said that although he had voted for the application originally, he wished he had not. He did not think that Mr. Hatcher was qualified to run a riding school. If he had known that the site plan was going to be waived, he would not have voted for it.

The gate on Lewinsville Road has been nailed up, Mr. Wilson said. The office will be run by Mrs. Handy who is a very fine lady. He said he felt confident there would be no further problems.

The attorney for the applicant has come up with an acceptable plan and this is what was indicated originally by the Board, Mr. Smith said; apparently he has spent some time giving guidance to the applicant and setting him on the right track. The barn will have to be moved and the Board should take action to require removal and replacement as indicated on the plat, within a specific time limit. The plat does not indicate distances but they should be shown.

Mr. Wilson said he would have a surveyor put the distances on the plat.

October 10, 1967

WILLIAM H. N. HATCHER - Ctd.

A lady in the audience said she had called the Hatcher residence in August and had been told that there would be riding off the property. She would like it made clear in her own mind that there would be no activity outside the 15 acres.

Mr. Hatcher and Mrs. Handy understand that under no circumstances are there to be horses allowed off the premises, Mr. Wilson said, and under no circumstances will any of the customers park their cars along Lewinsville Road; no one will go over or under the gate or fence; no customers will park along Lewinsville Road, and the only access to the property will be from Route 7. They cannot promise that some teenager is not going to go over the fence, but if they find out about it, they would put a stop to it.

Mr. Briggman informed the Board that twelve year old Frenchie is the riding instructor for Mr. Hatcher.

The motion made no reference to the riding instructor, Mrs. Henderson said.

They have not received a permit, Mr. Smith stated, and they will not receive it until construction is completed, so at this point they are not actually under a use permit except that the gates are to be locked in the rear prior to granting. They are not restricted under the use permit until such time as this is granted. Unless there are proper instructors in this operation, they will not be able to enjoy the patronage of very many people and no insurance company will insure them without qualified instructors -- they are not going to operate without insurance.

Mr. Wilson said he had redrafted a lease arrangement after Mrs. Handy acquired him and there is a clause in the contract that Mr. Hatcher would carry insurance at the usual rates.

A lady in the audience presented a newspaper advertisement stating "Frenchie's Riding School Now Open" and said there is a car on the property with the same thing painted on the side of it. It is a light blue convertible which Mr. Hatcher's son drives. On the side of the car is the exact duplicate of the signs in the field.

If this man commits another violation of this type, Mr. Smith said, he would assure the Board that he would be the first to ask for consideration of revoking the permit. There is no permit for the riding school and Mr. Hatcher has no right to engage in this type of thing. If the sign is up again, it is the responsibility of Mr. Hatcher. He did not want the signs lying around under any conditions, he said, and if Mr. Hatcher is going to operate the school under any other name, he should register as William H. N. Hatcher, trading as Frenchie's.

Mr. Wilson said he would have Mr. Jarrett put distances on the plat, get the permit and would start moving the barn right away.

Mr. Smith moved that Mr. Hatcher be required to move the barn placed in the illegal position under the use permit -- that the barn be removed and placed as designated in its legal position, or be removed from the property, or relinquish his right to the use permit as proposed, within a period of 30 days. If it is left standing on the property, it must be placed in its proper location 30 days from this date. All the restrictions of the original granting still remain. Seconded, Mr. Yeatman. Carried unanimously.

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Herbert N. Morgan - Request for extension of use permit: The Board requested that Mr. Morgan be present to explain the reasons for his request, on November 14.

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Retail sales in I-P Districts: Consensus of the Board was that retail sales could only be conducted in I-P districts as outlined by the Ordinance; this is for samples of products normally sold in retail outlets. Restricted to 1,000 sq. ft. as provided in the Ordinance, and that parking meet Staff requirements for parking for retail sales.

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Meetings in December are scheduled for the 5th and the 19th. A special meeting will be held on November 21.

The meeting adjourned at 5:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

December 14, 1967 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 24, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

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Representative for YOUNG ASSOCIATES was not present. Application was put at the end of the Agenda.

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CAMPBELL & THOMPSON - Request to build a bath house. The Board requested that the applicants come before the Board and explain what is now on the property, and for the Board to find out what their standing is with the Health Department.

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GRAHAM ROAD METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day care center, approximately 50 children, Lot 48, Devonshire Gardens, 2929 Graham Road, Falls Church District (R-10), Map No. 50-3, S-712-67

Mrs. Charlotte Knutson, Chairman of the Nursery Board at Graham Road Church, stated that the church wishes to run a baby sitting service primarily one day a week from 9 a.m. to 3 p.m. This would be every Tuesday and it is mostly for mothers who attend church meetings, however, they would not turn away anyone who wanted to come. They tried this out last spring and found out that it worked very well. The application reads "50 children" but they would like to have 80. The church could very well accommodate 100 children. Peak enrollment would be only for about two hours; the rest of the time they would have about 15 children.

No opposition.

Mrs. Knutson presented a list of the Nursery Council.

The permit, if granted, should be to Mrs. Knutson only, Mrs. Henderson said, and if the Chairman changes, the office should be notified of the name and address of the person responsible.

Mr. Smith moved that the application of Graham Road Methodist Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day care center with a maximum of 100 children, Lot 48, Devonshire Gardens, 2929 Graham Road, Falls Church District be approved. This is basically a one day a week operation from 9 a.m. to 3 p.m. on Tuesday of each week. All other provisions of the Ordinance must be met. Site plan is not required since this is in an existing church facility. Conditions of the Inspections Departments of the County must be corrected before issuance of the use permit. Seconded, Mr. Barnes. Carried unanimously.

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ORANGE HUNT SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, wading pool and bath house, at the end of Bridle Wood Drive east off Huntsman Boulevard, Mason District (R-17) Map No. 89-1, S-713-67

Col. DuFore, President of the Club, and Mr. Hall of Greenhorne, O'Mara, Dewberry and Nealon, were present.

Col. DuFore stated that the developer had given land to the Park Authority for recreation purposes, and the Park Authority was returning 6.9 acres to the Swim Club. They have incorporated for 350 members and they have signed up 128 fully paid up members. There are 190 residents in the area and they anticipate 500 within the next two to three years. This is only for the Orange Hunt Subdivision.

Mr. Smith asked for a copy of the charter and by-laws for the record.

The Swim Club has granted an easement for conservation purposes to the Park Authority for a width of 75 ft. all around the site, Mr. Hall said. There will be additional dedications to the Park Authority from Camelot Builders, so this will be entirely surrounded by park land. There are other entrances to the park site but there will be only one entrance to the pool site. 133 parking spaces will be provided for the 400 families. They are incorporated for 350 members but eventually they will increase their membership and amend the corporation papers and the use permit. The entire subdivision is on record at this time with 500 homes planned for the development. The pool will be larger than one to accommodate 400 members.

October 24, 1967

ORANGE HUNT SWIM CLUB, INC. - Ctd.

Mr. Yeatman suggested that a fence be put behind the adjoining dwellings to keep trespassers from cutting across yards to get to the pool.

Under a use permit screening is required unless it is waived, Mrs. Henderson commented, in the form of a stockade fence or brick wall.

Mr. Hall felt that they would ask for a screening waiver in the wooded area and would put on record a 75 ft. easement around the whole piece of land to insure that no trees are cut. This would protect future lot owners.

The screening would be worked out at the time the site plan is submitted, Mr. Knowlton said.

No opposition.

Mr. Smith moved that the application of Orange Hunt Swim Club, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool, wading pool and bath house, at the end of Bridle Wood Drive east off Huntsman Boulevard, Mason District, be approved in accordance with preliminary site plan presented to the Board in connection with the application, for a total membership of 350 with 133 parking spaces. If at any time this number of parking spaces is inadequate for the needs of all the people attending this facility, the applicant must expand his parking facilities. All users of the pool must park on pool property designated as parking area; hours of operation 9 a.m. to 9 p.m., and no operation before or after these hours without special permission from the Board of Zoning Appeals or other appropriate agency in connection with this Board. All loudspeaker noise shall be confined to the immediate pool area; this means perhaps several speakers placed strategically around the pool so there will be no noise carried beyond the pool site itself. Lighting in connection with this facility should be directed so as not to spread out or shine onto adjacent property. All noises and activities pertaining to this operation shall be confined to the immediate area itself. All other provisions of the Ordinance must be met, including provisions for screening and fencing. 350 means family memberships. Seconded, Mr. Barnes. Carried unanimously.

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SHARON CHAPEL EPISCOPAL DAY SCHOOL, application under Section 30-7.2.6.1.3of the Ordinance, to permit operation of a day school, nursery and kindergarten, ages 4 to 6 years old; approximately 30 children, hours of operation 9 a.m. to 12 noon; 3421 Franconia Road, Lee District (R-17), Map No. 82-2 ((1)), Parcel 49, S-714-67

Rev. Albriton stated that the school would be under the church's supervision. They are holding classes at the moment, pending the outcome of this hearing. He introduced Mr. Fred Walker, Senior Warden of their Vestry, and Mr. Stevenson, member of the Board of Directors of the School. The School would operate from 9 a.m. to 12 noon; they are not proposing two sessions at the moment. This is all the facilities can take at this time. They would have a maximum of 30 children.

Mrs. Henderson gave Rev. Albriton a copy of the Inspections Division report, and noted that all requirements would have to be met before a permit could be issued.

No opposition.

Mr. Smith felt that 50 parking spaces would be adequate.

The Staff report indicates that fill dirt is being placed on the property without a grading permit, Mrs. Henderson said, and the changes do not comply with the site plan.

A new site plan was submitted, Rev. Albriton said.

Mr. Smith moved that the application of Sharon Chapel Episcopal Day School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day school, nursery and kindergarten, ages 4 to 6 years old; approximately 30 children, hours of operation 9 a.m. to 12 noon; 3421 Franconia Road, Lee District be approved for a maximum number of 30 children at any one time; that the application be approved as applied for in conformity with church school operations; the church would not be required to dedicate property for road widening under the use permit. If they want to dedicate, all well and good, but the church is set back from the road and there is no problem. In a case such as this, when the church has controlled the land for so long (since 1849), Mr. Smith said the Board should not require dedication. Seconded, Mr. Barnes. Carried unanimously. All other provisions of the Ordinance shall be met.

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INEZ B. FLETCHER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 2 classes; hours of operation 9 a.m. to 12 noon; 8801 Leesburg Pike, Providence District (RE-1), Map No. 2901 ((1)), Parcel 10, S-715-67

(Palmer School)

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Mrs. Fletcher stated that the school has been in operation for about twenty-four years; the application is for an extension of school space. They are applying for two classes, eighteen to a class. The school will have two buses for transportation. All play yards are fenced. The house and garage both are non-conforming in setback due to highway widening.

No opposition.

In the application of Inez B. Fletcher, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten, 2 classes; hours of operation 9:00 a.m. to 12:00 noon; 8801 Leesburg Pike, Providence District, Mr. Yeatman moved that the application be granted for a maximum of 36 children and that all other provisions of the Ordinance be met. All requirements of the Inspections Department shall be met. Seconded, Mr. Baker. Carried unanimously.

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LESTER MARKELL, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, south side of Leesburg Pike, approximately 400 ft. west of Route 606, Centreville District, (C-N), Map No. 12-3 ((1)), Part Parcel 18, S-717-67

Mr. Hansbarger stated that any permit that is granted should be on the whole two acres because this is the way this has been presented up until now. Mr. Markell presently operates the Sunrise Esso but this station is being taken by the widening of Route 7 and the Board of Superv sors saw fit to permit the use to continue in this location. Route #606 is being relocated. This zoning is the result of a recent action by the Board of Supervisors -- July 19, 1967. It may or may not be a Humble station, but in any event, the building will be as shown in the picture presented. Entrances to the bays will be to the rear. It is a very attractive building and will be owned by Mr. Markell. The land is now entitled in Crippen's name. Mr. Markell is Mr. Crippen's son-in- law.

A proposal has been made to the State with reference to straightening out all the roads, Mr. Hansbarger continued; Mr. Crippen will give them the right of way. Route 606 will be built four lanes back to where it intersects with Lake Fairfax. He presented petitions signed by two different groups of people in favor of the application -- those who now use Sunrise Esso, and the adjoining property owners. The entire two acres will be used for the service station. Much of it will be in screening and natural growth. Mr. Crippen has agreed to give land for two lanes of paving on #606.

Mr. Smith felt that the Board should require dedication of land 63 ft. from the pavement of Route 7 along the front of the property.

Mr. Crippen has made an offer which appears acceptable to the State, Mr. Hansbarger said, and he had no objection to the Board saying that land should be dedicated but he did not think it should be tied down to a figure.

No opposition.

In the application of Lester Markell, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, south side of Leesburg Pike, approximately 400 ft. west of Route 606, Centreville District, Mr. Smith moved that the application be approved in conformity with plats submitted; that all setbacks and side yard requirements be met in accordance with the Ordinance. This is on a two acre tract of land now zoned C-N for service station uses only; that all State Highway and County road requirements be met through dedication, specifically 63 ft. from the proposed edge of pavement of Route 7 if not already acquired by the State and improvements along #606 might very well require minor revisions. Any necessity for dedications in order to facilitate site plan should be made in this area also. All other provisions of the Ordinance shall be met, both County and State. Seconded, Mr. Barnes. Carried unanimously.

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The application of LUCIE COUGNO, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing beauty shop closer to street property line than allowed, part Lot 2, Frank Hannah Subdivision, 4305 Markahm Street, Falls Church District (C-D), was deferred to November 21, because the applicant did not have her letters of notification.

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COMMUNICATIONS WORKERS OF AMERICA, application under Section30-7.2.5.1.4 of the Ordinance, to permit operation of meeting house and offices on west side of Woodburn Road approximately 200 ft. north of Hayden Lane, Falls Church Magisterial District (RE 0.5) Map No. 59-1 ((1)) Parcel 21, S-719-67

Mr. Denman T. Rucker and Mr. George Vincent were present.

Ninty-five per cent of the members are residents of the Northern Virginia area, Mr. Rucker said, and are good citizens who work every day. It is hoped that some of the residents in the community have come in support of the application. They have filed a letter of intent with their application, and Mr. Vincent would explain it if the Board has any questions.

Mr. Rucker stated that he had attended three board meetings in the evenings, commencing about 8 p.m., during which time there were about 6-7people present and about 6-7 motor vehicles parked on the premises. They are planning a limited use of the building. At the present time they have one employee which results in one car being parked there five days a week. They would like to have one board meeting a month which would result in 6-7 people being present and 6-7 motor vehicles on this five acre tract. The application was predicated by a complaint from the Citizens Association in that they had not complied with the previous Board direction to put a driveway on the east side of the property. There was a recent meeting of the Citizens Association and Mr. Rucker said he understood that they voted unfavorably concerning this application. In that connection, he wished the Board would inquire as to the number of people who were present and the distance from the property that some of the objectors live. He said he was informed that eighteen were opposed and ten were in favor at that meeting. The organization has made considerable number of friends in the community.

Mr. Vincent said the CWA were unaware that they had been operating in violation until very recently. Their attorney had not informed them of what they were supposed to do.

The first permit expired because they did not do anything within twelve months, Mr. Rucker said. The copy of the motion granting the application was sent to Mr. Hansbarger in August, a month or two after Board action in 1966; the CWA did not get notice until May 1967. The applicants will put the driveway wherever the Board directs, however the lowest estimate they have obtained for the driveway is $2200.00 and they feel that this would be in the nature of a permanent improvement, and since the permit is temporary, they requested the Board to spare them the expense of investing this amount of money for a two year use. They would like to have a short driveway and parking area with gravel. This is not to serve the general public, only the members.

Churches are required to do it, Mr. Smith said; how could the Board justify deleting this for the Communications Workers?

Mrs. Henderson said it would not be necessary to put in such a long driveway, so long as the parking is 100 ft. from the side property line, but the parking as proposed does not meet the 100 ft. setback required for eleemosynary organizations.

Why did you purchase such a large parcel of land for such a small building, Mr. Yeatman asked?

Mr. Vincent replied that at the time the property became available, they were looking for land for location of their office. One of their members brought this property to their attention. They looked at it, and conditions were favorable that they could buy it. They had no plans then for a building and have no plans now for a building other than one drawing obtained free from an architect by one member.

Mr. Rucker said he had told them that if they ever had to put a building there, it would probably be so expensive they could not do it. He did not think there was any hope that they would ever have a permanent structure in this location.

If he had recognized this at the time of the Board hearing, Mr. Smith said, he would not have voted for a permit. The Board had felt that this was a temporary use until they could build a permanent facility to handle the Union's business.

Mr. Vincent said he remembered that they had had a lengthy discussion before the Board as to what their plans were. At that time they did not have any building plans. They have a building fund that they completely depleted in buying the property, but they are on sound financial ground in making payments on the property. They have torn down the barn and shed on the property and have removed all hazards they could possibly remove. They thought once of draining the pond but because of neighborhood requests on its scenic beauty, they restored it. They have resigned themselves to the fact that they may never see a building of their own on the premises, however, they feel they are in a good bargaining position and maybe at some future date they may be able to negotiate for a piece of ground which would allow them to construct a building without so many difficulties. They requested a two year permit to use existing premises for their offices.

Mr. Smith said he was concerned about whether the Board should give any thought to a permit for a temporary use. There is also some doubt about whether they can use the existing building under any conditions according to Inspections reports, he said.

Mrs. Henderson read the Fire Marshal's report of 1966. The Health Department approved it July 1966, she said, and there was a letter to Mr. Hansbarger listing things which needed to be done. This building has been occupied and it should not have been until these things were done.

The applicants have been occupying the premises illegally for over a year, under adverse conditions, Mr. Smith said, and have not seen fit to comply with any one factor

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of the use permit. If they had placed the driveway where it was first indicated, he felt they would have been in a better position to talk. Now they have asked to be allowed to use this unsafe house for meetings and the secretary -- they should not have any of their employees in this unsafe building, and certainly should not be having group meetings.

Mrs. Henderson said her notes showed that this was to be a temporary use before the construction of a new building. She thought it would be better to sell this and buy a more suitable piece of ground.

There are town houses across the road, Mr. Yeatman said, and perhaps the highest and best use of the land would be to have it rezoned for town houses.

Mrs. Henderson said the Mechanical Department had reported that it is doubtful that the house could ever be used. The furnace room cannot be fire rated. It appears that there was another violation also as they were not supposed to use the second floor for any purpose. The Fire Marshal's report indicates that duplicating has been done on that floor. Occupancy was to be restricted to the first floor.

Mr. Vincent said they could not possibly build a building for eight or ten years.

Opposition: Mr. Linwood Gorham, President of the Woodburn Complex Citizens Association, said that he made the initial complaint about the organization. First of all, in answer to the Union's representative's statement -- as per the character of the CWA he would very much like to say that the neighbors go along with this. These are hard working men like anyone else but they feel that a business office in this location is out of place. Business offices should be in business sections. This is a residential area and they want to keep it that way.

Mr. Gorham called attention to the second paragraph of the applicant's letter of intent "We request the use of the premises for our office from 8:00 a.m. to 4:30 p.m. five days a week." This is quite reasonable for a business office but for "executive board meetings and other members from 8:00 a.m. to 12:00 midnight on a scheduled basis, and when necessary at other times to the normal conducting and maintenance of business and records" -- this looks like a blank check, Mr. Gorham said, with no limit. They might have the entire membership there one night to check records, who is to know? He gave the results of a meeting held by the Citizens Association at which seven were in favor of the application; seventeen opposed, and the Chair not voting.

What was the basis of the opposition, Mrs. Henderson asked?

The main basis was to using this as a business office and possible future use as an office building, Mr. Gorham replied. The citizens feel that such a large meeting hall would possibly be open to the general public or other organizations for social gatherings and this is the sort of thing they feel may come of it. Also, Mr. Gorham continued, he wished to inform the Board that the CWA had not ceased their operations since the last hearing when it was discovered that they did not have a use permit.

The Board is aware of that, Mrs. Henderson said. Generally speaking, there is a 30 day grace period in which they are to cease.

They are quite able to fix the building and make it conform with necessary stipulations in the letter and build the driveway wherever specified, Mr. Vincent said.

Why have you not done this, Mr. Smith asked? This organization has been there for fourteen months. If the applicant had come in today with building deficiencies corrected and the driveway put in, he would feel differently about the application. Several months ago the applicant indicated through the Zoning Administrator that they did not wish to build the driveway; it was indicated at that time that the Board would not consider this. They have done nothing in the meantime.

After the final hearing they thought they had a use permit, Mr. Vincent said, and they have operated as quietly and efficiently as possible.

They did have a use permit, Mrs. Henderson said, but they did not have an occupancy permit. She said she had a certain sympathy for the applicants in that she thought it was entirely possible that they did not know about these requirements, that Mr. Hansbarger never gave them a copy of the letter from the Fire Marshal, and that there was a lack of communication between them and their attorney. They thought they had a use permit. Mr. Hansbarger should have informed them that they needed an occupancy permit. She said she would be willing to defer for two weeks to find out about the requirements as stated in the letter from the Inspections Divisions. However, if there were a deferral, there would be from this moment on no operation in this building until these questions are resolved. This Board can no longer condone the occupancy due to hazards involved and because there is no use permit granted here.

Mr. Yeatman moved that operations in this building cease for two weeks until the Board can find out why the occupancy permit application was not pursued.

Operations should cease at the close of business this afternoon, Mrs. Henderson said, and there should be a clarification of the Mechanical Inspections report -- "doubtful that building can be used".

Mr. Baker seconded the motion.

Mrs. Henderson advised Mr. Vincent that he should go to the Mechanical Inspector's office immediately. The condition of the building will not permit the furnace room to be fire rated. However, she advised him not to start spending money before they know whether they will get a permit or not. They might find out whether it is physically possible for them to do these things and report back to the Board.

Mr. Vincent said it would work an extreme hardship on them to have to remove their records by the end of the day.

Someone could go into the house tomorrow and remove the records, Mrs. Henderson said.

Motion to defer carried unanimously. Deferred to November 14. The Board will hear any new evidence which might not take longer than five minutes at the end of the Agenda today. (See end of minutes.)

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DANIEL MURPHY, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 14.3 ft. of side line, Lot 2, D. P. Devine Subdivision, 1800 Kirby Road, Dranesville Magisterial District (RE-1), Map No. 31-3, ((5)), Parcel 2, V-721-67

Mr. William A. Harvey and Mr. Murphy were present.

The house is located in the back portion of the lot, on a knoll, which is a very pleasant and attractive site, Mr. Harvey explained. The owner chose this location for the house. The reason for it being too close to the property line on the left side is because the owner felt the fence was the property line and the measurement was taken from there. However, when the house location survey was made, they found that this was not the case.

He wanted the house on the knoll, Mr. Murphy said, so the builder placed it there. While he was on military duty overseas, his mother had power of attorney for him and was having the property filled in when the State told her it had been declared a flood control area. When they left the road above the level of his property between him and the city of Falls Church pumping station, they ran another drain from his property without his permission. His mother was having topsoil hauled in and filling the property when a man came by and stopped her, saying it was flood control area and nothing could be done on the property. When he came back from overseas he was going to meet with the State on it but was sent to Viet Nam. He has lived on the property since 1933.

No opposition.

Mr. Smith moved that the application of Daniel Murphy, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 14.3 ft. of side line, Lot 2, D. P. Devine Subdivision, 1800 Kirby Road, Dranesville District, be approved as applied for in accordance with Section 30-6.6.5.4 of the Ordinance which permits the Board to grant variances after a building permit has been obtained and where there is an error in the placement of the house. This application meets all standards set forth in that section of the Ordinance, plus the fact that the applicant states there is some drainage problem in relation to the drainage ditch which was placed on his property by the State Highway Department without his knowledge or consent. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

VIRGINIA DYNAMICS, application under Section 30-6.6 of the Ordinance, to permit erection of office building on State right of way line and waive rear screening requirements, on east side of Backlick Road, approximately 600 ft. south of Franconia Road, Mason District (C-N), Map No. 90-2 ((1)), Parcel 34, V-709-67 (deferred from October 10)

Mr. John T. Hazel, Jr. represented the Stantons, the property owners.

Mrs. Henderson stated that she was not going to vote for the application. It is an unusable piece of land, she said, unless it is combined with something else. It could eventually be combined with Mrs. Barber's land in the rear. Mr. Dowdy stated that Gus' Broiler had offered the Stantons 50 cents a square foot. The Stantons were paid for the 14,478 sq. ft. taken for the road -- $43,776.00. It would be very bad planning to place a three story building on the property which almost in effect does not exist. This would be a 68 ft. variance.

The 60 ft. right of way was acquired to mitigate the damages on the Barber property,

Mr. Hazel said, and the Highway Department settled with the Stantons who at that time were unrepresented. They offered to pay the going rate for land in Springfield at $3.00 a foot. They did not say, and the Stantons did not realize that this would make the rest of their parcel unbuildable. The language which Mrs. Henderson quoted is typical Highway Department language, the agreement which releases any claim the land owner may have for damages. The Stantons were told that $3.00 a foot was the price of the land that was taken and they did not understand that this would damage the remainder of their land.

They have an opportunity to sell the land, Mrs. Henderson said. It is assessed at $3650 and that is about what the adjoining property owner has offered for it.

The attorney for Gus' Broiler informs him that it is not a standing offer, Mr. Dowdy said.

It is interesting that this was not even zoned C-N until eight months after the land was purchased by the Highway Department, Mrs. Henderson said. She said she could not understand why the Board of Supervisors did not realize that this was an unusable piece of ground. It was zoned on July 9, 1965. She did not think that the section of the Ordinance dealing with "unusually narrow or steep lot" applies to this application. She reminded the Board of a similar situation several years ago in Mount Vernon -- in one of Mr. Mizelle's subdivisions, where there was a very small triangular piece of land on one corner and it finally was attached to the adjoining lot.

There is nothing here to vary from, Mr. Smith said. The people have no usable land to begin with. At the time they disposed of a portion of the property, the State must have realized this because he did not think they would have paid this price for residential land as far back as 1962 and 1963. Land was selling at that time for $2.00 to $2.50 a square foot in more desirable locations than this. The Board is being asked to place a building on what amounts to setback area in its entirety. This all took place since the adoption of the Ordinance. The property was taken by the Highway Department; the Stantons were paid for the land plus damages and there are many small pieces of land in the County today similar to this. The State in paying for the property paid these damages, although they did not necessarily call it damages, but they paid more than they should have paid. This was an excellent price paid for the property and there is nothing to vary from.

In the earlier meeting, Mr. Dowdy said, he felt the record would show that the Board acknowledged that the criteria had been met, that this was an irregular and narrow piece of property through no fault of the owner. This property was condemned.

The Board of Supervisors saw fit to zone the property to C-N, Mr. Barnes said, and since he had viewed the property he felt it would be a good use. It would do no harm.

But that is not a criteria for granting an application, Mrs. Henderson said.

Mr. Smith stated that to grant the application would do harm to the Ordinance. The Board is appointed to administer the Code as set forth by the Board of Supervisors and the State. In the first place, there is no foundation for a variance because there is no usable land. Mr. Dowdy stated that these people had no part in creating the situation -- they certainly did. These people accepted the amount of money through negotiation rather than condemnation or litigation. If there was any question, it should have been litigated rather than negotiated. They should have been aware of the fact that they had no usable land left to be utilized unless it was made a part of adjoining property.

There was another similar situation in Merrifield, Mrs. Henderson noted, where the Board of Supervisors zoned some industrial land and it was minus building setbacks. The application was denied and finally the property was combined with other land. This Board has turned down many requests on areas of land which did not have enough setbacks, and to grant a variance on a piece of land that is minus setback requirements is absolutely contrary to any section of the Ordinance.

Mrs. Henderson commented that she thought the Stantons had made a pretty fair return. The entire property was bought for $1,000 in 1943 according to the deed.

Mr. Dowdy said he had a letter from the Highway Department stating that the road is not a thoroughfare and is not intended to be used as such; it is merely an ingress-egress dead end, purchased solely as access to the property in the rear.

It will be a street when the Barber tract is opened up, Mrs. Henderson said.

They have commitments from two prospective people indicating that they will have use for a limited number of parking spaces and they will have no traffic or clientele coming to and from this office, Mr. Dowdy said.

Mr. Yeatman moved that the application of Virginia Dynamics be approved with all site plan requirements being met - grant the variance and allow construction of an office building on the line as shown on the plat, and recommend that rear screening requirements be waived. Seconded, Mr. Barnes. Motion lost by a vote of 3 against and two for the motion. Mrs. Henderson, Messrs. Baker and Smith voted against the motion.

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YOUNG ASSOCIATES, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line, proposed Lots A-1, A-2 and B-1, Mary Edelin property, Providence District (RE-2), Map No. 37-1, V-711-67

This property was considered by the Board of Zoning Appeals in July, Mr. Young stated. At that time they were advised that the Board could act only on one parcel -- B-2, with the thought that the Board of Supervisors had to grant the other parcels. Since that time the Planning Staff has recommended that the Board of Zoning Appeals would have jurisdiction over all of them. What they are asking now is the same as it was in July -- that the 5 acre and 6 acre parcels be divided into two each.

Mr. Smith asked Mr. Knowlton why the Staff had recommended this solution rather than having the Board of Supervisors act on this.

In order that each lot involved has its own frontage on the road, they have drawn in what they call "pipe stems" so that each lot would have its own road fronting on Vale Road, Mr. Knowlton said. A-1, A-2 and B-1 would be served by 20 ft. roads. B-1 would have to maintain the pipe stem all along the property line to A-2. There would be one road 20 ft. wide on anybody's property, running back to the other lots, to be maintained by lot owners in the back. If the maintenance agreement ever falls through at least each lot would have frontage and a possibility of its own access.

If there is going to be an arrangement such as this, this road up to and including the area which would serve Lot B-1 should be built in conformity with State standards and should be dedicated, Mr. Smith said, but building three roads did not sound practical to him.

What about front setbacks at the ends of these pipe stems, Mrs. Henderson asked?

There would be no front setbacks, only side and rear, Mr. Young replied.

The concept of the pipe stem is the result of the cluster ordinance, Mr. Knowlton explained, and the Staff in enforcing it found that it is better than the old concept of the easement where it gets almost impossible to get anyone to maintain it.

It should be rezoned for cluster development, Mr. Smith said. The Board of Zoning Appeals was not set up to do this in a wholesale manner.

They would prefer to do it as outlined, Mr. Young said, to get bigger lots and to retain the natural concept of the ground. They could get seven lots under the cluster plan; under this plan they would have five larger acreage parcels served by a smaller road. As laid out here, all the lots average three acres. 5A and 5B are existing now, they were divided some years ago from the entire acreage. There is a house on 5A but nothing on 5B.

This calls for more discussion and background with the Staff, Mrs. Henderson said, and she would like to see a larger area plat to see what future plans there might be for roads coming into the area. If this were rezoned for cluster development Mr. Young could automatically put in the pipe stems and still get the larger lots.

Mr. Young stated that they would try to get seven lots if it were rezoned; the cost of the road would require them to get seven lots.

No opposition.

Mr. Yeatman moved to defer to November 21. Seconded, Mr. Baker. Carried unanimously.

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COMMUNICATIONS WORKERS OF AMERICA - Continued

Mr. Rucker stated that after the events of the hearing this morning, his client had made unqualified decision to withdraw the application. A Resolution was adopted by the Board, the effect of which, among other things, said that they must cease operation as of the close of business today. He requested that the Board defer the application for two or three weeks and allow the application to be withdrawn or deny it, at which time Mr. Woodson could notify them to vacate the premises within a reasonable length of time.

In view of the stated position of the Communications Workers of America, Mr. Smith moved that they be allowed to withdraw the application before the Board, and that Mr. Woodson be instructed not to enforce any violation for a period of forty days in order to allow them to move their operation from its present building to a new location. Withdrawn without prejudice. Seconded, Mr. Baker. Carried unanimously.

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STEWART B. WEST - The Board in acting favorably on the application of Stewart B. West in June 1962 made certain stipulations which must be complied with in order to activate the permit for occupancy, Mr. Smith said. The applicant has not complied with Ordinance requirements in relation to site plan, neither does he have an occupancy permit for the use. He has also failed to comply with the stipulation in connection with the entrance road and has been operating in violation of Board action as well as other Code requirements for some time. The Board hereby advises the Zoning

Administrator to notify the applicant that he must appear before the Board on November 21 at a time designated on the agenda to show cause why the applicant's right to use this property for a nine hole golf course should not be revoked and that the applicant if he desires to continue to pursue the application to the point of actually being allowed occupancy of the nine hole golf course, explain why he should not comply with the original stipulation set forth and favorable action taken June 1962.

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The Board voted to include as part of every motion granting a special use permit the following language; "No use permit shall be valid until an occupancy permit is obtained," as many people seem to be unaware that such a permit is necessary.

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AT&T Site Plan - Route 7: Mr. Knowlton presented a copy of the plat which was reviewed by the Board at the public hearing. Parking was shown on top of the underground building. The revised site plan shows the underground building in one location and parking in another location, still meeting setbacks.

The road to Route 7 is completely paved and it is a very nice looking building entrance on top of the underground installation, Mrs. Henderson said.

Mr. Smith moved that the changes be permitted as indicated by the revised site plan. Seconded, Mr. Barnes. Carried unanimously.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA: Gunston Road and Belmont Boulevard Site Plan:

At the request of the Planning Engineer, based on everything they knew at the time, Mr. Knowlton said, the Board of Zoning Appeals required a dedication of 30 ft. from the centerline on Belmont Boulevard. They are now in receipt of a letter from the Highway Department and a piece of highway plan showing that piece of road will no longer be used. Gunston Road is being straightened and will make a 90 degree angle off to Belmont Boulevard. The Highway Department is not going to vacate that portion of the road and the Telephone Company will have to maintain it. They have a permit to cross the property.

The plat should be amended showing the arrangement between the Highway Department and the Telephone Company, Mr. Smith said, and the Board should have a letter saying that they can cross the property for access and that requirement could be eliminated from the motion. Also the site plan should be placed in the folder instead of the copy that is now in it.

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ANNANDALE MARINE & SPORTS CENTER - On July 18, 1967 the Board granted the application and the site plan has come in, Mr. Knowlton said, showing 20,300 sq. ft. of sales area and 71 parking spaces. In figuring parking the staff requires six parking spaces per 1,000 sq. ft., giving a total of 121 parking spaces.

The Board required 74 spaces, Mrs. Henderson said. Mr. Smith voted against it and Mr. Yeatman was not present.

Mr. Smith stated that that was one reason he objected to it, there was not enough parking space. The permit was based on retail sales and minor repairs which is basically the same as an automobile operation and they should comply with whatever is greater in the Code requirements. There are parking problems now on other such operations with a stipulated number of parking spaces.

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The meeting adjourned at 4:30 P.M.
By Betty Haines

Mary R. Henderson
Mrs. L. J. Henderson, Jr., Chairman

December 14, 1967 Date

November 14, 1967

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 14, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

LELLON ROGERS, application under Section 30-6.6 of the Ordinance, to permit erection of a fifteen story building closer to front, rear and side lines, with underground parking, Southwest corner of Columbia Pike and Route 7, Mason District, (C-G applying for C-OH), Map No. 61-2, Parcel 104, V-716-67

Letter from the applicant's attorney requested withdrawal due to the application for change of zoning being rejected by the Board of Supervisors.

In view of the letter from the applicant's attorney, and denial by the Board of Supervisors of the rezoning application, Mr. Smith moved that the application of Lellon Rogers be withdrawn in conformity with letter showed to the Board. Seconded, Mr. Barnes. Carried unanimously.

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JEANNE D. ATKINSON, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school, 15 children, hours of operation 9:00 a.m. to 12:00 noon, Lot 30, Ravensdale, 4806 Bradford Drive, Mason District (RE-1), Map No. 71-1, S-720-67

Mrs. Atkinson stated that the school has been in operation for three years in the name of Marie C. Anderson. This is a transfer of ownership in the school property. She will live in the house. Parking is not necessary as children will be dropped off and picked up by their parents. There is room for two cars in the driveway, if necessary. Children will not have to cross the streets at any time. There will be two helpers -- a French teacher who will come in on Mondays, and a music teacher for one half hour on Wednesdays. Primarily this will be a nursery school using Montessori equipment and she will be the teacher. The children will be ages three through five.

The Ordinance reads "all uses in this category shall have adequate off street parking", Mr. Smith said, but as long as the children are dropped off in the driveway, it would be all right as far as he is concerned.

The extra teacher would not be able to park in the driveway as this would be within a setback area, Mrs. Henderson said.

The teacher would not be there everyday, Mrs. Atkinson replied, but she could park in the carport as Mr. Atkinson takes the family car to work every day.

No opposition.

The Board has required all other uses to have off street parking and this use does not have enough room for parking, Mr. Smith said. Schools in residential areas are good uses and very necessary ones but the Board should apply the same standards to all applications.

The house is located on a cul-de-sac and there are about twelve houses, Mrs. Atkinson stated; the traffic is very light.

In the application of Jeanne D. Atkinson, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school, 15 children, hours of operation 9:00 a.m. to 12:00 noon, Lot 30, Ravensdale, 4806 Bradford Drive, Mason District, Mr. Smith moved that the application be approved providing the applicant can furnish off street parking and off street delivery for all students and teacher-personnel involved in the application. Seconded, Mr. Barnes. Carried unanimously.

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RUBY C. FINLEY ROUSSOS, application under Section 30-6.6 of the Ordinance, to permit division of property, proposed Lots 1, 2 and 3, Roussos property, Jeffery Road, with less frontage than required and allow proposed dwellings on Lots 1 and 2 closer to street property line than allowed, Map 8 ((1)), Parcel 24, V-722-67, Dranesville District, (RE-2)

The proposal is to cut off two lots which they can do without coming under Subdivision Control, Mr. Mackall explained. This is a long narrow piece of property near Great Falls in an area zoned and developed in two acre zoning. The property at the present time can be divided by cutting off Lot 5 which would be a two acre lot, and Lot 4 which would also be a two acre lot, without any permit variance or coming under Subdivision Control. This would leave six acres on the front and it is proposed to divide them into Lots 1, 2 and 3. All these lots would be served by an outlet road and these three lots would not have the required frontage on a public street. In addition they have a problem with the location of the house on Lot 1. The house on Lot 2 would comply.

RUBY C. FINLEY ROUSSOS - Ctd.

Mr. Smith stated that this was a proposal and not a subdivision of record. Again the Board is being asked to come up with a solution to a problem that does not exist. This property could be developed under Subdivision Control with proper streets and drainage. In this method the Board is being asked to approve a 20 ft. outlet road which is not adequate for five homes, three of which are back off the road, requiring fire and police protection, and to more or less isolate them in this manner is an injustice to the Fire Department and the policemen charged with the responsibility of safeguarding these properties. There are a lot of small pieces of property in the County which might be developed in this manner if the Board condones this by granting variances. It does not seem to be a wise approach. It might be the best economical approach from a development standpoint, but certainly it is not the best long range program. This could be developed under the cluster plan.

They could possibly get four lots by putting in a cul-de-sac, Mrs. Henderson said.

Mr. Mackall stated that they could get five lots under the cluster plan but he was not sure what they would look like. This application comes about because Mrs. Roussos has a piece of land which has been in the family for 85 years. She wishes to divide the land among five nieces and nephews, giving each of them 2 acres. To do it under the cluster plan with a 10 acre piece of ground would create a little park there which would not have any real meaning. The back two lots, which Mr. Smith suggests would have trouble with fire and police protection, are permissible under the existing Ordinance. They are only asking for two additional houses, one on Lot 3 and on Lot 1. The house on Lot 1 would not have any trouble with fire and police protection because it fronts on Jeffery Road, so if there is a problem, it would be only in respect to Lot 3. This development seems to be in accord with the character of the area, it has been kept in two acre zoning and hopefully will stay in two acre zoning, but when clustering is started in that particular area it starts breaking it down. This application is not predicated so much on economics because there is plenty of frontage to cluster and put in pipe stem roads and get five lots. This proposal would be better in accord with the character of the existing area and would not impose any additional burdens on the Fire and Police Departments.

Why can't you place the road down the Carper-Smith side of the property, Mr. Smith asked? Take an outlet road across Lot 3, to Lots 4 and 5, straight down the Carper-Smith property.

This would cost a lot of money. A road like that to serve only one half of the property would cost in excess of $30,000 and Mrs. Roussos would have to pay that much to give away her property.

Maybe the people she is giving it to would build it, Mr. Smith said; the Board must think of the future. This seems to be an impractical approach from the safety standpoint.

Mrs. Henderson noted that the problem was that a 50 ft. road could not end at nothing -- it must have a cul-de-sac and that would use all of Lot 5. Who would maintain the outlet road, she asked?

In the past they have used the same procedure as used in cluster developments, Mr. Mackall replied. There is a clause provided for the maintenance; the majority of the owners decide how much to spend on repair of the road and if one does not pay there would be a lien available to the others to share that cost. This is in effect the same thing that is done in cluster developments.

Mrs. Henderson suggested deferring the application for discussion with the Staff, to get their thinking on such cases.

No opposition.

Mr. Yeatman moved to defer the application for further information from the Staff; deferred to November 28. Seconded, Mr. Barnes. Carried unanimously.

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P. B. MIMS, application under Section 30-7.2.10.5.9 of the Ordinance, to permit erection and operation of a motel, 7 units, 9110 Richmond Highway, Lee District, (C-G), Map No. 113 ((1)), Part Parcel 45, S-723-67

Mr. Mims presented a brochure showing a new type structure which he proposed to erect and operate as a demonstration unit of motel. This would be a demonstration to encourage people to buy them and if it is a financial success, they would like to put more units in the same location. A basic unit vacation house, elevated, costs $3231; this could also be placed at ground level for $2722 for the shell. There are forty acres of land altogether, six are zoned C-G and six are zoned I-G. A guest may park under his room in the elevated structure. Mr. Reed of the Fire Marshal's office came down to look at the property. He suggested that a double layer of fireproof sheet rock with possibly some spray treatment would make it suitable for parking underneath.

P. B. MIMS - Ctd.

The units are sold primarily as vacation houses, Mr. Mims continued. These units lend themselves to making a complete circle and could be made into efficiency apartments or eight room motel structure. They would have a site plan approved and operate this as a motel. Later they might request to add more units. This is surrounded by C-G zoning so no screening would be required. The houses have structural steel beams and columns; the walls are conventional stud construction. When the application is made for building permit they will meet all conditions. They will dedicate land for a service road. There is a large septic field there which was put in to serve ten living units and a restaurant, now closed down, and the motel would use that septic system. They will provide six parking spaces with room for more, if necessary. The land drops off in the rear and some fill will be necessary but there is no problem in putting in extra parking spaces.

Mr. Smith felt that there should be at least 1 1/2 parking spaces per unit in order to allow for cleaning people and service personnel.

No opposition.

Mr. Yeatman moved that the application of P. B. Mims, application under Section 30-7.2.10.5.9 of the Ordinance, to permit erection and operation of a motel, 7 units, 9110 Richmond Highway, Lee District, be approved, providing the applicant follow site plan recommendations for dedicating land for service road and for the storm sewer as required. All provisions of the Fire Marshal's code and building code shall be met, and the applicant shall provide 1 1/2 parking spaces for each unit. Seconded, Mr. Baker. Carried unanimously.

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CANTERBURY WOODS SWIM CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, wading pool and bath house, 5101 Southampton Drive, Falls Church District, (R-12.5), Map No. 70-3 ((1)), Parcel 9, S-725-67

Mrs. Henderson noted receipt of five letters and a petition with ten signatures requesting deferral of the application.

Mr. Douglas Goodman stated that Mr. Hyman Bernstein is the builder and developer of Canterbury Woods and he wishes to construct a non-profit pool for use by 500 families in the subdivision. The National Construction Company has assured them of an ultimate total success of the project and of immediate 70% community participation. They have studied other projects similar to the proposed pool operation and they feel that this will be a success.

Mr. Miguel Martin, representing the citizens association, presented a petition signed by 115 people in favor of the application. They contacted Mr. Bernstein before the meeting, seeking additional information prior to November 9, and got enough information so that they feel they should proceed with the hearing.

Did the pool site show on the original diagrams so that people at the time of purchase of their lots and houses were aware that there would be a pool, Mr. Smith asked?

That particular site was not on the preliminary plans, Mr. Goodman replied. There was a requirement that a pool site appear at a later date.

One of the objections noted in the letters received was that at the time of purchase there was no designation of a pool area, Mrs. Henderson said.

Originally this street was proposed to come through and join another street, Mr. Krach stated, but the plans were changed by the engineers and the street was made a cul-de-sac. The people of Stone Haven were notified of the hearing and they would be eligible for membership in the pool organization, if the residents of Canterbury Woods wished to include Stone Haven. There would be no driving access from the pool site to the park land but the Park Authority has agreed to provide a 40 ft. wide walking strip so there would be walking access to the park land -- the Park Authority has a place which they feel would be ideal for ball diamonds and that is the reason they want the access. This will not be a dedicated access, only a covenant.

Mr. Smith felt the land should be dedicated to eliminate any problems in the future.

A storm sewer is proposed through the area, Mr. Knowlton said, and it would be difficult to build any type of vehicular access.

As long as eighteen months ago, Mr. Davis of Greenhorne, O'Mara, Dewberry and Nealon, and Mr. Bernstein walked over the property with him, Mr. Krach told the Board, and out of several sites, they felt this was the better one because of its central location. The pool will be built to accommodate 500 families. Out of 872-900 homes planned for the subdivision, their experience has been that about 70% of the families in such a community are anxious to go swimming. This will be owned and operated by the citizens. If the membership is filled at this pool, they will have to build another pool in another location. They will comply with all screening requirements.

CANTERBURY WOODS SWIM CLUB - Ctd.

Mr. Smith requested that a copy of charter and by-laws for the club be presented to the Board for the record.

Everyone that he had talked to in Canterbury Woods was in favor of the pool, Mr. Martin said. They have not set up a committee to operate this, they were waiting for additional information. When he bought his home he was told that a pool site would be selected and some of them have been waiting for a long time for a pool. They obtained 115 signatures of people who did not object to the site. They were unable to get the adjacent property owners as they refused to sign.

Canterbury Woods is a very large subdivision, Mr. Edward Conway said, and at this time it appears that there is no land that has not been developed except for this particular spot. There is plenty of flood plain but this is the only dry land that he has come across in Sections 1, 2, 3 and 4. Sections 6 and 7 have some possible sites on Guinea Road but it would be closer to go to another community pool. Failure to have the pool would have an inhibiting effect upon the growth of Canterbury Woods. It is unfortunate that the site could not have been selected and fixed ahead of time so everyone would know where the pool was going to be. The present land is lying fallow. There is a temporary cul-de-sac which leads nowhere and there is no way of getting out of Section I except by Braddock Road. One fringe benefit from this site would be the line up of the road layout with Stone Haven. The children could walk to school instead of going by bus. There is park land to the north and east; property to the west is in Stone Haven. They could not conceive of finding a vacant site in this built up area which would offend fewer people. This land is no longer in the subdivision and Mr. Conway said that in his opinion since the land was pulled off the plat it appears that there is nothing to prevent that land from being left and the street never being completed. Southampton as originally platted would have been a through street so there would have been through traffic in any event.

There will be a bridge down Woodland Way and most of the people will walk through the park and ride, bicycles paralleling the creek across to Woodland Way so there would be no need to get out on a major traffic artery at all, Mr. Conway continued.

Mr. Smith asked how long it would take to organize a corporation to handle negotiations and development of the pool.

Mr. Martin replied that he did not know as he never had done one. If the Board approves the site then they would have something to go on. He hoped they could organize and get some indication of the amount of moneythey would have to spend by January. They plan to have a general meeting Thursday night and will have a better idea then as to how many people will be interested and can come up with the necessary number of dollars. He hoped that the Board would place a condition that footbridges be placed across the creek, at least two and possibly three, so that people living across the creek could walk.

Mr. Conway stated that there are two paths which are paved and if the pool were to be located on the other side of the creek there would be no paths from Sections I and II. A 40 ft. easement would provide another channel for traffic from Section I.

No opposition.

Mrs. Henderson noted that the Stone Haven residents would bear the brunt of this in their back yards and no one from Stone Haven was present to protest.

Mr. Smith moved that the proposed site be approved for a pool in conformity with the plats submitted and that the developer convey to the Park Authority a 40 ft. roadway and provide any construction that the Staff or Park Authority feels necessary to provide proper access to the pool from the proposed realignment of the roads. This would be adjacent to the revised Lot 30 in the subdivision and this should be taken into consideration in the proposed construction of the pool; that the pool be aligned in such a manner that it would not interfere but would allow for the conveyance of a 40 ft. roadway. From the testimony given, this is the only site left in this developed area. Prior to making a final decision as to location of buildings, etc. the Board should see a new site plan drawing showing a conveyance of the 40 ft. strip of land to the Park Authority. There is no access to the Park area, there should be some for service vehicles of the Park Authority and to provide proper uses for the citizens. This means conveyance to the Park Authority for their use; if the Staff feels it should be developed in some form of roadway, the developer should do it. Prior to final approval of this, the Board should have a site plan showing these revisions, and a copy of the corporate papers of the organization as set up to administer the set of by-laws. Membership is set at a maximum of 393 families with 131 parking spaces, and if at any time in the future they want to increase the membership, they should do it by increased parking. Prior to final approval for occupancy permit, the Board should have a copy of by-laws and corporation papers; that they shall screen all properties other than that which is adjacent to park land; final site plan should show screening adjacent to all residential lots, a solid fence of the type approved by the Staff, 6 ft. high. Site plan shall come back to the BZA when it is submitted and the Board can approve the exact type of screening. Seconded, Mr. Barnes. Carried unanimously. (The Board will set up hours, etc. after they have organized. This is basic approval of the site only.)

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November 14, 1967

MILLER & SMITH ASSOCIATES OF VIRGINIA, application under Section 30-6.6.5.4 of the Ordinance, to permit dwelling to remain 28.6 ft. from front property line, Lot 93, Section 3, Wessynton, 8800 Anne Tucker Lane, Mt. Vernon District, (RE 0.5 cluster), V-727-67, Map 110-2

Mr. Paul Kincheloe, Jr. stated that on this particular lot there was a change in the road in front. They thought they had the required 30 ft. setback from the line but after the footings were done and the house location survey was made, it was discovered that an error had been made by the surveyor because of the change in the road, and the house was 1.4 ft. too close to the lot line. In this case Miller & Smith were not aware of this until the surveyor brought it to their attention. Footings had been poured, the walls had been put up and part of the roof was on before the error was discovered. The change was made in the road after the house was started.

No opposition.

Mr. Yeatman moved that the application of Miller & Smith Associates of Virginia, application under Section 30-6.6.5.4 of the Ordinance, to permit dwelling to remain 28.6 ft. from front property line, Lot 93, Section 3, Wessynton, 8800 Anne Tucker Lane, Mt. Vernon District be approved and that all Ordinances of the County shall be met. Seconded, Mr. Baker. Carried unanimously.

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DEAN R. MEYER, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain closer to side and front property lines, Lot 17, Meyer's Addition to Indian Run Park, 5212 Redwing Drive, Mason District (RE 0.5), Map No. 72-3, V-726-67

Mr. Robert Hood and Mr. George Foard were present.

There is a rather broad flood plain in the rear, Mr. Hood stated, and the builder intended to ask for a variance prior to construction for the house to be set 45 ft. from the front lot line. The house was redesigned, the engineer placed the house at 50.5 ft. from the front lot line. Everything was fine until the engineer went out of business and moved out of the area. When another engineering firm was engaged to do the final work in the subdivision, they found that the house was too close to the front lot line and too close to the side line.

Mr. Foard explained that it would be difficult to know with any certainty what may have occurred. He had reviewed the records and they are all compatible with each other. It appears that the point of control used in staking out the house was somewhat misplaced from the lot corners.

No opposition.

Mr. Smith moved that the application of Dean R. Meyer, application under Section 30-6.6.5.4 of the Ordinance, be approved; the error was apparently caused by the lot being located on a cul-de-sac. This is a situation over which the applicant had no control. Therefore, he moved that the application be granted as applied for as this was not the fault of the builder himself. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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The application of JAMES THOMPSON, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30.2 ft. from Highland Lane and permit 15.2 ft. from side property line, Lot 44, Section 1, Pine Ridge, Falls Church District, was deferred to December 5 at the applicant's request.

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KENYON L. EDWARDS, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 37.7 ft. from front property line, Lot 8, Chesterbrook Hills, 6031 Chesterbrook Road, Dranesville District, (R-17), Map No. 31-4, V-729-67

Charles Runyon represented the applicant. He stated that the same surveyor made an error in this case as in the preceding case. They have re-established his control and apparently the control which he used in staking out a couple of his houses was a temporary control. This becomes a violation mainly because of the roof overhang. They had planned to put columns down the front of the house with an A-frame protruding in front of the house, however, the columns have since been deleted since the roof is sound.

The house would not fit on the lot to begin with, Mrs. Henderson pointed out. The structure fits but the roof overhang would not be included in it.

Mr. Runyon stated that Mr. Edwards was under the impression that the intermediate had been presented to the Zoning Office. This is the only violation they have found thus far. Mr. Cardwell was the engineer in both cases and he has moved to Florida.

Mrs. Henderson suggested cutting off the roof to make it conform.

It is a structural part of the house, Mr. Runyon said. This was their first approach.

No opposition.

Mrs. Henderson read a letter from Mr. Julian E. Kulski, quoted as follows:

November 14, 1967

KENYON L. EDWARDS - Ctd.

"November 7, 1967

Board of Zoning Appeals
County of Fairfax
County Courthouse, Room 210
Fairfax, Virginia

Sirs:

In reference to a letter of November 3, 1967 from the Kenyon L. Edwards Company to me regarding their application for variance on Lot #8, Chesterbrook Hills Subdivision, I would like to bring to the attention of the Board the following violations of the Zoning Ordinance during the last two years by the said company:

1) A property in back of my house at 6030 Woodland Terrace has been used as a dump for rubber tires,concrete pipes, and stumps brought from within as well as from the outside of said subdivision. This pile, 60 ft. long by 12 ft. high, has been there since the summer of 1965. The Zoning Office has this summer again been attempting to straighten this matter out by sending the Edwards Company a letter asking them to remove this unsightly violation within 30 days. Instead of being removed as requested, the pile keeps on growing.

2) Construction of a building 7.3 ft. over a legal setback is yet another example of a clearcut violation of the ordinance. As a professional planning and zoning consultant and practicing architect in the State of Virginia, it is my considered opinion that it is highly unlikely that a mistake of this magnitude can be justified on any grounds. (Surveying mistakes within a few inches can be.) In view of the fact that Chesterbrook Road is scheduled for widening, and in accordance with the objectives of the Zoning Ordinance, I strongly recommend that the application for variance be refused. I have observed in my professional work that once a Board of Zoning Appeals starts granting variances in similar post facto cases, the Ordinance soon becomes useless as a planning tool.

3) I have also been informed that a section of Woodland Terrace Road within this subdivision has been constructed not in accordance with the State regulations and will have to be rebuilt, causing undue and unnecessary hardship to the residents of this street.

In view of the above facts, I respectfully submit that the Kenyon L. Edwards Company be asked to comply with the request of the Zoning Office pertaining to the immediate removal of the dump from the back of my house, and that the request for variance either be refused or at least tabled until the Board has had the opportunity to examine the situation as stated in this letter.

I regret that a prior engagement out of town prevents me from presenting this case personally at this time. I shall be glad to present my views both as a resident of said subdivision and as a professional planning and zoning consultant at any time convenient to the Board.

Sincerely yours,

(S) Dr. Julian E. Kulski
Professor of City Planning"

In rebuttal, Mr. Runyon stated that Woodland Terrace is not in this subdivision and Mr. Edwards did not construct it. He said also that he had been on the site several times and did not remember seeing a debris pile.

Mr. Woodson noted that the pile had been cleaned up twice.

This should be cleared up before approving the variance request, Mrs. Henderson said.

Mr. Smith asked that Mr. Woodson instruct the inspectors to check out the reported violation in connection with this developer and if there is a violation that he be instructed to clean it up. There are some parts of the letter which he disagreed with, he said; apparently the street in question was not developed by the applicant. For reasons previously stated by Mr. Runyon who has taken over another surveyor's work, it was either through lack of communication with the developer who was unaware of the proposed construction of the house, that the error was made in the original layout. In any event, it appears that this was through no fault of the applicant himself, and the application meets standards of Section 30-6.6.5.4 of the Ordinance. For these reasons he moved that the application be approved as applied for. Seconded, Mr. Barnes. Carried unanimously.

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November 14, 1967

ROBERT L. MOORE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 30.44 ft. of street property line, Lot 16, Block 2, Westchester Subdivision, 3900 Prince William Drive, Providence District (RE-1, Map No. 58-4, V-732-67

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Mr. Moore stated that he had moved into the area about three months ago. They have had four floods in this time; water comes in and goes over the walls, coming up over the footings. The house has two sub-basements which were evidently an afterthought. The water comes in over the hill, accumulating in the driveway, and runs down over the basement walls. Many of their household articles were damaged by water. The water problem might be solved by covering a large part of the driveway with a carport allowing him to catch the water with gutters and downspouts, and put in extra ditches to run the water down over the hill. The topography is a big factor; it is high on Prince William Drive and very low on the other end of the property. The neighbors have no objections to the request. The driveway is already in. The house has three stories on the west end and one story on the east side.

Mr. Smith stated that it was very difficult to justify a two-car carport under these conditions and he was not convinced that the carport would solve the problem. He wanted to view the property before voting on the application.

No opposition.

Mr. Smith moved to defer decision on the application to December 5 to view the property and the surrounding area. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

EUGENE D. MURPHY, application under Section 30-6.6 of the Ordinance, to permit an 8 ft. fence to remain as erected in side yard, Lot 29, Block D, Section 4, Mosby Woods, 10217 Confederate Lane, Providence District, (R-12.5), Map No. 47-4 ((7)), (d) 29, V-690-67

(Deferred from September 26 to view the property.)

A letter from Mr. Zahala informed that the house had been put up for sale.

Mr. Smith said he could not justify asking Mr. Murphy to tear down the fence and from an esthetic standpoint he did not see anything wrong with it. He said he still felt that a permit should be required for erection of a fence but the Building Inspector's office already has more work than they can adequately handle. In a growing area such as this one, there should be some agency in the County government responsible for issuing a permit and if this were brought under permit and the Home Improvements Ordinance, it would eliminate this type of thing.

Mr. Yeatman moved that the application of Eugene D. Murphy, application under Section 30-6.6 of the Ordinance, to permit an 8 ft. fence to remain as erected in side yard, Lot 29, Block D, Section 4, Mosby Woods, 10217 Confederate Lane, Providence District, be approved as applied for. Seconded, Mr. Baker. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the section of fence which was in violation could be cut down and made to conform.

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FAIRFAX-FALLS CHURCH MENTAL HEALTH CLINIC, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of a mental health clinic (out-patient), and allow existing building closer to property lines, Lot 6, Graves Addn. to Springvale, 7010 Calamo St., Mason District, (RE-1), Map No. 90-2, S-698-67

Mr. Haynie Trotter represented the applicant. He stated that the applicant intended to use the property for two years. The lease from Mr. Graves is for two years. They have plans for constructing a satellite clinic in Springfield and this is strictly a temporary use. They hope to be ready for occupancy by January 1969. There will be a part time psychiatrist, two social workers and a secretary on the property from 8:30 a.m. to 5:00 p.m. There is plenty of parking, and Mr. Spangler, adjacent property owner, is in favor of the application. Mr. Graves, who also owns Lot 4, has no objection, and Mr. Ove has no objection so long as screening is provided. There was some opposition at the Planning Commission hearing to "spot zoning" and "creeping commercialism".

Mrs. Henderson read the Planning Commission recommendation for approval.

The Staff report noted that "A site plan would be required for this change in use. Parking requirements to be established by the Board of Zoning Appeals. We do not believe that this use can meet the requirements of Section 30-7.2.5.1.4.1 (a), nor can they be waived."

The property is surrounded by proposed commercial zoning, Mr. Knowlton stated.

Under the Section which the application was filed, Mrs. Henderson said variances would be required on three sides. She suggested that the Board consider it under Section 30-7.2.6.1.10, "Offices for the General Practice of Medicine" under "Community Services".

No opposition.

November 14, 1967

FAIRFAX-FALLS CHURCH MENTAL HEALTH CLINIC - Ctd.

Mr. Bodine asked that the Board set a limit on the time of occupancy and added that the people in the area would be more than happy with three years.

Mr. Smith felt that if the application were granted, the limit should be two years and if the applicant would agree to abide by screening regulations requested by the Planning Staff, and provide not less than 12 parking spaces, the Board could recommend that site plan be waived conditioned upon these things.

An important thing to be aware of is the specific requirements which says parking shall be shielded from view from the first story window levels of adjoining property, Mrs. Henderson said, and if the natural growth already shields it, it seems that this takes care of it -- if not, a fence could shield it. This should be left to the discretion of the Staff after an investigation.

Mr. Smith moved that the application of Fairfax-Falls Church Mental Health Clinic, application under Section 30-7.2.6.1.10 be approved as applied for with not less than twelve parking spaces; that the Board grant this for a period of two years, realizing that this is a temporary location; that the Board recommend to the Staff that if in their wisdom they see fit to recommend to the Board of Supervisors that site plan requirements be waived, it is done with the understanding that the applicant will abide by the parking requirements and such screening requirements as the Staff feels necessary to screen the parking areas as outlined in the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HERBERT N. MORGAN (Request for Extension): Application under Section 30-6.6 of the Ordinance, to permit erection of building closer to front and rear property lines, north side of Rt. 236 approximately 500 ft. west of Chambliss St., Mason District, (C-N), Map No. 72-4, V-224-65

Mr. Morgan was not present. The Board deferred action to December 5 with the understanding that if Mr. Morgan or his representative were not present the permit would automatically expire.

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MOOSE CLUB - Bailey's Crossroads. Mr. Crounse said he was notified in September of Board action requiring a new site plan to be filed showing 300 parking spaces and giving them sixty days in which to do this. The sixty days are about up and they have now filed a new site plan. Originally the road was planned to come into the building in two lanes and then go to the right, and then coming out all the way to the edge of the property facing Scoville Street. They met considerable citizen opposition and it has gotten to the point now where one group of citizens living immediately adjacent would prefer that the road come in closer toward Scoville Street. Mr. Clem, representing the citizens, wants the screening looking down Scoville Street to remain the same, so in an attempt to compromise, they moved the egress-ingress about half way down between the exterior property line corners and Scoville Streets as it exists now. They have not begun any construction, they have not opened the road and do not intend to until they get approval of the site plan. They could begin construction within a very short time. Originally he had thought that six months was sufficient, however, he did not know how long this would be tied up with the County. He hoped that any extension of time would run from the time the County approves the site plan.

Mr. Smith said he thought this was a fair request and in view of the fact that the site plan has been submitted, he moved to amend the original motion to grant an additional 90 days from the time that the plans are approved by the Staff and all County agencies involved. If they find that they cannot complete this within that time, they will have to ask for additional time. Seconded, Mr. Barnes. Carried unanimously.

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ORANGE HUNT SWIM CLUB - In trying to answer some of the Board's questions at the last meeting about screening requirements, Mr. Knowlton said that he told the Board that screening was required when actually it is only required in this group under funeral chapels. In the motion the Board mentioned screening not to be waived. There are existing dwellings on the north side with a conservation easement along one side, fairly heavily wooded. The land was sold to the Association for recreational uses by the Park Authority and the Park Authority put on a 75 ft. easement -- is this satisfactory for screening?

The parking lot should be fenced from the conservation area because people would be utilizing this if it were not locked to keep them from coming in, Mr. Smith said, and a 6 ft. fence should be put around the entire operation, screening it from the park area. A solid screen should be put in areas closely adjacent to a developed area, and a 6 ft. chain link fence down the side with a gate to be kept locked at all times when the pool is not in operation. He made this in the form of a motion, seconded, Mr. Barnes and carried unanimously.

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November 14, 1967

GRAHAM ROAD METHODIST CHURCH - Letter from Mrs. Knudson requested an addition of 30 children on Thursdays from 9 a.m. to 12 noon in addition to the 100 children granted on Tuesdays.

In the request from the Graham Road Methodist Church in the use permit granted October 24, 1967, Mr. Smith moved that the permit be amended to read: "In addition to the 100 children on Tuesdays, that there be an addition of 30 children known as the Moppets, nursery school, thirty children, Thursdays, 9 a.m. to 12 noon in the church, supervised and controlled by the Church. All other provisions of the original granting still pertain." Seconded, Mr. Barnes. Carried unanimously.

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Campbell & Thompson, request for bath house - Mr. Smith moved that the application be deferred for Mr. Campbell or his representative to be present. Deferred to December 5, 1967.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

December 14, 1967 Date

November 21, 1967

A special meeting was held by the Board of Zoning Appeals at 10:00 a.m. on Tuesday, November 21, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

ROBERT N. BOLSTER, application under Section 30-6.6 of the Ordinance, to allow observatory to remain 27.4 ft. from street property line, Lot 20, Block C, Ridgeview Subdivision, 6007 Ridgeview Drive, Lee District, (R-12.5), Map No.82-3, V-730-67

As a result of his own ignorance, Mr. Bolster said, and through an error made by the people in the Zoning Office, he ended up with a structure too close to his property line. The structure is located as shown on the diagram, and it was approved stating that the measurement was made from the curb. The observatory is almost completed. It is an astronomical observatory which contains at the present time a 6-inch telescope. He was not aware of the violation until notified by the Zoning Office. He started construction before obtaining the building permit. The structure is built of 2 x 4's and plywood, slab floor, with a foundation for the telescope. It could not easily be removed as there are about two tons of concrete in it. The land slopes down farther in from the property line and it would not be practical to build there. Putting it directly behind the house would block the view from the windows. He built the structure himself, strictly as a hobby. It is about 10 ft. in diameter and 9 ft. high. He is employed by the Federal government as a research chemist and this is his hobby. The telescope is mounted on wheels which ride on a track attached to the foundation.

Mrs. Henderson suggested moving it over toward the patio, and noted that the carport also seemed to be too close to the street.

The house was built in 1957, Mr. Bolster said.

Mrs. Henderson read two letters in favor of the application -- one from the Ridgeview Citizens Association, and one from A. C. Shelby.

No opposition.

The house was purchased in July 1963, Mr. Bolster explained, and the carport was there at that time. They would like to enclose it into a garage, if possible.

Mr. Jerome Hudson stated that he had helped Mr. Bolster build the observatory. It was asked earlier why a contractor was not called in, he said; a contractor did come in to help with pouring the concrete but in this area they have found that very little knowledge is available in constructing this type of thing.

Mr. Bolster added that the location of the structure was dictated by the need for a clear view of the skies, avoiding street lights, houses, etc. The structure has cost about $300 so far, the biggest portion of expenses so far being the hearing before the Board. He has no plans to move from the area, however, if he were transferred he could have the structure torn down.

Mrs. Henderson asked Mr. Barry, the Zoning Inspector who had found the violation, if there were any traffic hazards, visibility impairments etc. from the location of this structure. He replied that there were no traffic hazards created by it, but because of its location at the curve of the street it appears to be more outstanding than it might be under other circumstances. There is some planting around the structure and during the summer months it is not as noticeable as it is this time of year.

In the application of Robert N. Bolster, application under Section 30-6.6 of the Ordinance, to allow observatory to remain 27.4 ft. from street property line, Lot 20, Block C, Ridgeview Subdivision, 6007 Ridgeview Drive, Lee District, Mr. Smith moved that the application be granted a temporary variance for a period of one year, due to unusual circumstances, and this being a moveable observatory attached to a track on a cement slab, and if the applicant moves from this residence during this time, the observatory will be dismantled and moved at the same time. At the end of eleven months the Board will review the case for further action -- October 21, 1968. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she was not convinced that there was not an alternate location on the property.

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CHRISTIAN SCIENCE SOCIETY OF SPRINGFIELD, application under Section 30-6.6 of the Ordinance, to permit erection of church 17'8" from side property line and roof overhang at entrance 12 ft. from side property line, on east side of Backlick Road, Mason District (RE 0.5), Map No. 80-2 ((1)), Parcel 2, V-731-67

Mr. Richard Dimon, architect, stated that basically the 100 ft. property width is not feasible for the best design of the plan of the church as it is programmed. They have

reduced the space in their arrangement to as narrow dimensions as they felt possible and came up 2'4" into the 20 ft. setback. In order to reduce the space further they would have to remove a row of pews which would reduce the capacity of their program. They have studied their plans in every way to reduce dimensions. The proposed building would seat 168 people and 43 parking spaces would be provided. The maximum number of seats in a row of pews is set by ordinance. If this is approved, they could start construction in February.

Mr. Yeatman noted the Staff recommendation for construction of sidewalks and dedication to 40 ft. from the center line of the street for public purposes.

Mr. Ralph Mullen stated that they have given the State on both sides of the road to the required 40 ft. He sold the land to the church for less than the appraisal and he would be willing to give them 2 1/2 ft. at some future date because the garage on the adjacent property is only 13.6 ft. from the line. That property is rented. Someday he proposes to have a business school on this property and he would be glad to give the 2 1/2 ft. at the time this becomes a school.

If it becomes necessary to further reduce the size of the building, Mr. Dimon said, he would definitely question the feasibility of such a project. They originally started out with a program in excess of 168 and have reduced it to make a reasonable request.

Mrs. Henderson felt that Mr. Mullen should give the 2 1/2 ft. now and get a variance on the garage, which is not a permanent structure anyway.

Mr. Smith suggested a common driveway to serve the Mullen property and the church. There should be some agreement that Mr. Mullen would provide a 15 ft. easement plus an additional 15 ft. to provide a common roadway for the two properties. He felt that the applicant had made every effort to meet side yard requirements. It is becoming more and more difficult for churches to establish themselves in the community and this arrangement seems to be as good a one as can be gotten providing both parcels of land are developed in conformity with Mr. Mullen's statements. Most churches are only used for about 15 hours a week or less and these are day time uses which would not infringe upon neighbors in any way. To deny the application would be denying the church a reasonable use of this land. The eave overhang actually is a projection from the church itself -- there are no posts supporting the canopy so there are no structures closer than 17.4 ft. here. There are unusual circumstances -- this is a special building with certain specifications as to seating arrangements.

The building does not fit the land, Mrs. Henderson said, and there is nothing unusual about the land. It meets the requirements of one-half acre zoning in width.

Mr. Curtis Clarke, member of the Board of the Church, said they had worked very diligently for a matter of two years looking for land in the Springfield area. Much of the land which would be desirable would cost three, four or five times as much as they could hope to raise as a small congregation to pay for it. Members of their Board have made many trips to Fairfax and received favorable consideration by the people there. They were very fortunate in finding a very thorough architect who has reduced the size of the auditorium. This is very definitely a hardship case. They need this size building for the membership to justify the existence of the church and they must move forward. They thought they had taken all the right steps up to this point. To wait several months for all these readjustments would throw out the whole building program.

No opposition.

In view of the unusual circumstances, the proposed use serves the community and because of the unusually narrow lot, and because the size of the proposed building is set to some degree because of code requirements on seating and parking; the sanctuary and building itself has been cut down to the last degree making this a minimum request rather than one which could better serve the community as a whole, Mr. Smith moved that the application of Christian Science Society of Springfield be approved providing there is a 15 ft. easement granted between the adjacent property and an additional 10 ft. dedicated or set aside in the form of an easement or roadway to serve the church. It is understood that the canopy or overhang with no visible means of support is to allow for discharge of passengers in bad weather and it has been stated by the applicant that he can meet Ordinance requirements as to parking. Seconded, Mr. Barnes. Mr. Yeatman offered an amendment, accepted by Mr. Smith, to include the word "permanent" easement. Carried 4-1, Mrs. Henderson voting against the motion, there is a very simple solution to it, she said, so that no variance would be necessary. It is obvious that the church must have a building of this size but she could not vote for it under the terms of the Ordinance.

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RALPH KAUL, application under Section 30-7.2.10.5.9 of the Ordinance, to permit erection and operation of a motel, 120 units, on S.W. corner of Old Dominion Drive and Poplar Place, Dranesville District, (C-G), Map No. 30-2, ((1)), Parcel 18, S-733-67

RALPH KAUL - Ctd.

There is a growing need for a motel in the McLean area, Mr. Kaul stated, and there are no motel facilities in a radius of over four miles. Falls Church has the nearest motel and in recent years there has been rapid growth in the industrial and research firms in the area and now at least twenty companies, including seven national companies, have need for a motel for people coming and going, not counting C.I.A., the largest employer in the area. The Jaycees have conducted a survey in McLean in which a motel was found to be one of the principal needs. The proposed site is in the heart of the McLean business district. There is adequate parking with restaurangs and other service facilities nearby. Across the street is a service station, with a bank on the corner. There are four restaurants in the area, one proposed and three existing. They propose a good quality motel equal to Holiday Inn or Howard Johnson's. Financing is available for this purpose if they can proceed without delay. They plan to make 120 parking spaces available to meet Ordinance requirements. There would be no large restaurant facility, only a small coffee shop. They propose to have a three story building with two stories in the rear as the property rises. Property to the south zoned commercial, also owned by Mr. Kaul, could be used for expansion. There is parking on the shopping center property and if needed, the employees could park over there.

How about the alignment of the service drive, Mr. Smith asked, to line up with Redmond Drive?

Where you see the 30 ft. entrance is the entrance to the shopping center, Mr. Kaul replied, which lines up with this entrance. There is a service drive at the far end of the property which lines up with the service drive shown to the south of this property.

Mr. Knowlton pointed out that Old Dominion is a primary highway and the Staff will require a service drive which cannot enter a side street. If the dedication is not lined up with Redmond Drive, it will come out at another place, creating another intersection. There is no service drive as such on the shopping center to line up with. A servide drive can dead end or line up with a street and become part of it.

Apparently there has been no consultation with the Planning Staff, Mr. Smith said, and it might be a good idea for the architect to consult with Planning in connection with the overall development of this area and plan for it. This is a rather large complex of motel units and there should be a service drive to line up with Redmond Drive.

Mr. Knowlton said there should be a service drive which becomes Redmond; it would cut off the corner of this property.

He had not contemplated this, Mr. Kaul said, it would cut out a good piece of property. There would have to be a big dedication to make Old Dominion a 105 ft. road and with the setbacks on the property for almost 100 ft. from the center line of the road, and with the width of Old Dominion and the angle of the property along the street, the amount of front loss is way over what is normal.

The application does not call for a variance, Mr. Smith stated and he felt the application should be deferred to give the Planning Engineer time to speak on this.

Mr. Chilton said they had not gone into site plan in too much detail but Redmond Drive might not change physically at all, it is sort of an alley right now, and the Staff would have to go into this on site plan.

Mr. Stanley Sawmelle, President of the McLean Citizens Association, requested deferral of sixty days. They are not opposed to a motel in McLean, he said; in fact, they recognize the need, however, they have examined the specific application and have reservations. The specific location of the service drive is not shown on the drawings and the sketch furnished with the application indicates that there is an average of 50 ft. setback from the road planned -- this 50 ft. would require a variance. They plan 120 units with 120 parking spaces and the average is 1 1/2 parking spaces per unit of occupancy. The plat does not indicate provision for plantings to the west of the motel; if these were provided this would further reduce the available parking space. This requires further study.

Mr. Kaul agreed to meet with the Staff to see what could be worked out.

No opposition.

Mr. Smith stated that he hoped the architect would get together with the Planning Engineer and come up with a new plan in connection with this application. This is not a situation such as the church application just heard, this is to serve people from all over the country and all over the world, not just the community. Every effort should be made to bring all structures on the premises under Code requirements and parking should be at least 1 1/2 spaces per unit. It appears this could be done without hampering construction of the overall development. Some thought should be given to rearranging the service road to align with Redmond Drive, therefore in the application of Ralph Kaul, since it has become apparent that a number of variances would be necessary, Mr. Smith moved that the application be deferred to January 23 and in the meantime the applicant furnish the Board with new plats after consultation with the Planning Staff with relation to the overall planning of the McLean area, particularly the area adjacent to the proposed motel. In the meantime the Citizens Association of McLean may make recommendations to Mr. Kaul and his group and if there are differences involved they should be ironed out before the hearing on January 23. The plats should show additional parking. Seconded, Mr. Barnes. Carried unanimously.

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EDWARD T. JONES, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 7.7 ft. from side property line, Lot 1055, Section 11, Lake Barcroft, 3306 Potterton Drive, Mason District, (R-17), Map No. 61-1, V-734-67

Mrs. Jones stated that at present they have a narrow driveway and they have to park the cars tandem style which means backing to get the right car out. They live in the woods and this means a lot of birds and their cars are always a mess. They would like to get them under cover. She showed a picture of the house across the street as an example of what they would like to have.

Mr. Croom received a variance a year ago, Mrs. Henderson noted. He was asking for 10 ft. from the property line and was granted 13 ft. with a 3 ft. overhang. He was asking for a 19 ft. carport and got a 12 ft. carport. The applicant is asking for a 20 ft. carport. In all fairness to the applicant and Mr. Croom, she should have the same thing he got.

They would not need a variance for a one-car carport, Mrs. Jones said, but this would not accomplish anything as far as they are concerned. The lot is irregular shaped and the variance is about 1'2" and a little over 2 ft. in the front. They have discussed this with the neighbors and they are in favor of it.

If Mr. Croom had waited for the amendment which was passed in March, Mrs. Henderson said he could have done exactly what he had requested by right; he was given 13 ft. and could have had a 2 ft. bigger carport.

The applicant can have the same thing Mr. Croom has by right, Mr. Smith added.

No opposition.

Mr. Smith moved that the application of Edward T. Jones, application under Section 30-6.6 of the Ordinance, to permit erection of carport 7.7 ft. from side property line, Lot 1055, Section 11, Lake Barcroft, 3306 Potterton Drive, Mason District, be denied for the following reasons: the applicant has applied for a maximum rather than a minimum variance and the applicant can utilize the existing amendment to the Ordinance to construct a very usable one-car carport and possibly a 2 car carport, therefore he moved that the application be denied, as the section of the Ordinance under which the applicant applied, does not apply since the applicant can make a reasonable use of his land without a variance. Seconded, Mr. Barnes. Carried unanimously.

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RADIO FAIRFAX-PRINCE WILLIAM, INC., application under Section 30-7.2.2.1.3 of the Ordinance, to permit erection and operation of radio and broadcasting station with one tower, off Route 123 near Butt's Corner, Centreville District, (RE-1), Map No. 77 ((1)), Parcel 96, S-724-67

Mr. Keller, President of the Radio Station, and Mr. Draper, Vice-President, were present.

Mr. Keller stated that he is the owner of Radio Station WEEL in Fairfax City. Some five years ago they recognized that FM radio was emerging as a dynamic radio service and began studies on how to bring this radio to Fairfax County. They have worked on this for five years. FCC in making what they call a table of allocations some years ago determined that Fairfax County did not need an FM radio station, but they disagreed with them, Mr. Keller said, and finally, in order to bring service to Fairfax County they had to buy Station WPRW-FM (Manassas) and are planning to move it to Butt's Corner to give service to Fairfax County and Northern Virginia. Initially their license will read Manassas so they will be required to give signal strength over Manassas as well as Fairfax County. WEEL provides good news coverage to Fairfax County but there are other things they cannot do because of time limitations. Planned music programming is not immediately available except from some of the downtown radio stations. As for the specific location, they think the location is an ideal one. They must meet certain mileage separation requirements set by FCC including the most critical one, a station in Baltimore, with a 50 mile separation from them and this station. This line cuts just below Fairfax Station and the location is ideal because it gives an opportunity to provide maximum signal strength in Manassas. Also, at this site is already located an FAA tower microwaving information from one point to another in landing airplanes at the airports. This is one of the higher sites in Fairfax County and is a critical point in FM broadcasting. Because FM is line of sight broadcasting, locating in a valley the signal strength would travel only a very short distance. They expect to provide good signal strength of 25 miles in all directions. The tower would be 380 ft. high. Over the years the Fairfax County Police Department have had difficulty in radio communications; they might have to locate on a high tower in order to provide communications to all parts of the county. The radio engineer at Police headquarters has indicated that they may want to use our tower for antennas and as an emergency broadcasting system which is already in effect. The AM facility would remain in Fairfax, this will be a separate facility. WEEL is a full time station but unfortunately because of night time interference they must cut back in power and do not cover the entire area at night. FM would be the same day and night. Very few of the programs would be duplicated.

The tract contains 160 acres, Mr. Draper said, and is owned by Mr. Reeves and his sister, Mrs. Lane. The tower location is 1400 ft. back from Route 123. The location will be immediately to the left rear of the existing towers, completely in the woods and partially screened by the existing FAA towers. Ours will not have the large reflecting discs such as on the existing towers, Mr. Draper continued, and will be smaller

in diameter than either of those. The support system will be a three guy system rather than four guy anchor system. There is an additional wooded area just shortly in from Route 123 and then about half way back on high ground there is another wooded area which will serve as a second screen. This site will be completely within the woods and will be screened from a visual standpoint by two rows of trees plus one group of trees immediately around their site and finally by the FAA towers themselves. Coming down #123 one can only see the top of the towers. The lessor has agreed to all necessary easements and they must get into operation within six months if granted by FCC. They plan a very attractive building which will be used until the permanent structure is built. It is actually two trailers joined in a fashion with facade provided giving the appearance of a permanent structure.

Mrs. Henderson noted that a leased area 380 ft. from the base of the tower would be necessary and the Board should have certified plats showing this fall easement.

There would be no ground wires, Mr. Keller stated, and they would leave all trees except those to be removed for the guy wires. They normally have on duty never more than three people and they have additional land for parking if required. There will be a main studio, auxilliary studio for news and special programming, receptionist area; some files, and a transmitter and equipment room will take up a good portion of the building with a small office for the manager.

Where do you propose to construct the permanent structure, Mr. Smith asked?

They have not got that far yet, Mr. Draper replied, but they are sure that this building will be usable for at least three years. There are two or three critical things to be accomplished before getting into this, they must get FCC, FAA and Board of Zoning Appeals approval.

The Planning Commission has not heard this yet, Mrs. Henderson said, so if granted, it will have to be subject to their approval.

A letter was read in favor of the application from the Ox Road Citizens Association.

No opposition.

In the application of Radio Fairfax Prince William, Inc., application under Section 30-7.2.2.1.3 *of the Ordinance*, to permit erection and operation of radio and broadcasting station with one tower off Route 123 near Butt's Corner, Centreville District, Mr. Smith moved that the Board approve the location of the tower and building with the understanding that the applicant will furnish the Board with plats showing the leased or easement fall area and exact areas to be utilized by this facility rather than the entire 160 acre tract of land, showing access to the facility from #123, all proposed buildings and parking, designated distances from all leased or easement lines, and all other provisions of the Ordinance pertinent to this application, State, Federal and County, shall be met. New plats to be submitted before starting construction. Seconded, Mr. Barnes. Carried unanimously.

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The application of YOUNG ASSOCIATES, application under Section 30-6.6 of the Ordinance, to permit division of property with less width at the building setback line, proposed Lots A-1, A2 and B-1, Mary Edelin property, Providence District (RE-2), Map No. 37-1, V-711-67, was deferred to December 19 at the applicant's request.

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LUCIE COUGNO, application under Section 30-5.5 of the Ordinance, to permit erection of addition to existing beauty shop closer to street property line than allowed, Part Lot 2, Frank Hannah Subdivision, 4305 Markham Street, Falls Church District, (C-D), Map No. 71-1, V-718-67 (deferred from October 24)

Mrs. Cougno explained that she wished to extend the existing building to the new addition; this would be an open porch with a basement under the porch for hot water tanks. It would be a frame deck exactly like the existing porch. Mr. Wischeski's place extends 8 ft. out in front of hers.

There is nothing under the old porch, Mr. Smith said, so the hot water tanks should not be allowed under the new porch.

There is room in the back to put an "L" for the hot water tanks, Mrs. Henderson noted, and asked if Mrs. Cougno lives in the house. She said that she did live on the premises.

No opposition.

Mr. Smith moved to defer action to November 28 to view the property and to find out more about the hot water tanks.

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November 21, 1967

HAZELTON LABORATORIES, INC., application under Section 30-7.2.5.1.5 of the Ordinance, to permit erection of a laboratory building of approximately 82,000 sq. ft. for research and development facilities, i.e., in the human sciences area, located on the east side of Towlston Road, north of Route 7, Dranesville District (RE-1), Map 19-4, Par. 16, 31, S-747-67

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Mr. Hobson, Mr. Van Hoose and Mr. Henninger were present.

Building #19 has not been built, Mr. Hobson stated. It was approved by this Board in 1965 and an addition was put on but they did not construct the building. The site plan was approved but more than a year has passed since then. This is a 2 1/2 floor building 82,000 sq. ft. of floor space. They would have from 50 to 75 employees, the same as the other research that has been going on. Eighty parking spaces will be provided. Height of the building will be 46 ft. at its highest point. The Industrial Development Authority of the County is going to buy this land and lease it back to Hazelton. This building will be utilized for animal research - they expect to have some monkeys and from time to time other types of animals, rats, mice, guinea pigs, etc. The structure will be of stone with panels very similar to Tek Fab panels.

What hours do these people work, Mr. Smith asked?

They start at about 7:00 a.m., Mr. Hobson replied, and are usually gone by 5:30 p.m. Peak hours are 8:30 a.m. to 5:00 p.m. with animal caretakers getting in early and leaving early. There are about 350 people at this facility; the overall payroll includes over 500.

It seems that this many automobiles entering and leaving at this time would need an alternate entrance and exit, Mr. Smith commented.

There are two that they use now, Mr. Van Hoose said; the County Police Department is supposed to help them for 15 minutes a day but they don't need him that long. They requested that the traffic pattern be limited to that one driveway so they could control it; they cut the other driveway off at 5:00 or 5:30.

The Staff report recommended that access be improved as follows: that Towlston Road be widened to 22 ft. from center line on their side of Route 676 from Route 7 to the entrance and that a 12 ft. wide and 150 ft. long deceleration lane plus 50 ft. transition be provided along Route 7 eastward from Towlston Road.

Mr. Hobson suggested that Hazelton dedicate the property along Towlston Road but not be required to construct until such time as the traffic pattern in the judgment of this Board requests that improvements be put in.

If there is no entrance to Towlston Road, Mr. Chilton suggested this could be deferred until something happens that would require it but if they are using that entrance some improvement would probably be required.

Mr. Van Hoose said that Hazelton had built a deceleration lane and improved the road and since they have tossed some money down the drain on it they would hate to do the same thing here. If the proposed County plan is followed this will be a wide highway and to build something now that is not really needed and have it changed when the road is widened is a waste of money. There are two entrances and exits onto Route 7 and at this time they are both used.

It might be that the Staff could tie it in with approval of final plans for extension of Towlston Road to the south, Mr. Chilton suggested.

It might be granted with construction later on if Hazelton will be responsible for it under the use permit to construct at such time as the road is laid out and the Staff is certain as to where it is going -- they could dedicate now and construct at the time the entire alignment is worked out, Mr. Smith said. If it becomes necessary to do this prior to this arrangement, that they do it if the staff requests it and begin construction within a 60 day period after being requested to do so.

Mr. Hobson agreed to dedication now and construction later, with the understanding that it was Hazelton's responsibility to add to the present State plans to meet this requirement.

No opposition.'

Mr. Smith moved that the application of Hazelton Laboratories be approved in conformity with plats submitted and renderings shown and that the applicant dedicate and construct the recommended access to be approved as follows: (1) that Towlston Road be widened to 22 ft. from center line on their side of Route 676 and Route 7 to the entrance, and (2) that a 12 ft. wide and 150 ft. long deceleration lane plus 50 ft. transition be provided along Route 7 eastward from Towlston Road to facilitate a better traffic pattern in and out of the facility. That dedication and construction of the Towlston Road portion be consistent with final plans for Towlston Road and that construction be commenced within 60 days after requested by the Staff; that all other provisions of County, State and Federal Codes applicable to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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CANTERBURY WOODS SWIM CLUB - Mrs. Henderson stated that Mr. Duley had called her

November 21, 1967

CANTERBURY WOODS SWIM CLUB - Ctd.

at home and said he had evidence which had not been presented at the hearing. The Board agreed to hear Mr. Duley at the end of the next meeting to decide whether or not to reopen the hearing.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - The Board discussed complaints from Mr. Paul Smith regarding noise from the Park Authority's skeet and trap operation. Mr. Smith felt that the Board should have Mr. Woodson check and find out how much a decibel test would cost if run for seven days and find out if there is enough money in the Budget to pay for it.

Mrs. Henderson said she was on the property and could not hear any more than she did in the summer months and the only place it could be heard was down on Compton Road, away from Mr. Smith.

Mr. Baker suggested that the Board members go back again and listen before doing anything.

Mr. Paul Smith felt that the members going back only one time would not be sufficient. If it is a windy day and the wind is blowing from the northwest, they would come up with the same answer -- that it is not bothersome. He felt there should be several days of testing so they would have different weather conditions and different atmospheric conditions, he said, and just to go out one day would not prove anything unless the Board members would come out on one day when he felt that the noise was bothersome.

There is another factor, Mrs. Henderson said -- the Board does not know exactly how "annoying" this is. Is this any worse than low flying jets over the house?

It is louder than any noise they have been getting since living there, Mr. Paul Smith assured her.

Mr. Smith moved that the Board request the owners of the permit and the Park Authority to conduct a seven day test by an approved testing laboratory at various points in the community and submit their conclusion to the Board. No second to the motion.

Mr. Barnes said he would be more willing to try to do something if there were a room full of people, but it seemed that Mr. Paul Smith was the only one complaining.

Mr. Yeatman moved that the Zoning Administrator notify the holders of the permit and the Park Authority that they should come in because of a complaint from Mr. Smith who lives nearby and have them show cause why their permit should not be revoked or if there is any possible way they can cut down on the noise that is supposed to be bothering Mr. Paul Smith. Seconded, Mr. Dan Smith.

Since he was here at noon time, Mr. Paul Smith said, he has talked with Mr. Winslow who realizes that they are trying to do something. The only complaint is regarding noise. Mr. Winslow has agreed to meet with Mr. Paul Smith and Mr. Rodin tomorrow at 3:00 and try to work this out. A company in Springfield Virginia, authorized for this kind of testing, charges $100 a day and Mr. Smith said he would be willing to pay for one day of testing.

Mr. Dan Smith moved, MR. BAKER SECONDED that the Board accept Mr. Paul Smith's proposal for one day of testing from a company recognized and approved for this type of testing. One test should be on a Monday when the operation is not open and the other on a day to be selected by Mr. Paul Smith. Maybe the Gun Club or the Park Authority would pay for it. The permit holders should furnish this Board with a reading on a Monday when the facility is closed -- this should be done also on a Monday when the wind is blowing in the right direction. They can use the same testing organization or one of their own choice, so long as it is a recognized one. Motion carried, Messrs. Yeatman and Barnes voting against the motion. Deferred to December 5.

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STEWART B. WEST - Mr. West stated that he had been working on this golf course for 10 years. The major problem is the road. He cannot operate until he gets the road put in and he is not ready to bear the expense of it alone. The holes are in place and there are three ponds in but no buildings or toilet facilities yet.

Mrs. Henderson suggested that Mr. West work it out and at the end of the year file a new application as the Board cannot hold this in abeyance for another year. When the road situation is worked out, new plats should be presented and the application should be readvertised, reposted and reheard. In the meantime this should not be utilized at all except for Mr. West's own personal use and his friends' use.

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The Board discussed "pipe stem" roads with the Staff. Discussion for information purposes only.

The meeting adjourned at 5:45 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

December 14, 1967 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 28, 1967 in the Board Room of the County Courthouse. All members were present. Mrs. L. J.Henderson, Jr., Chairman, presided.

The meeting was opened with a prayer by Mr. Smith.

The application of VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines and towers, Hayfield Road to Gum Springs, Lee District, was deferred to December 19 at the applicant's request.

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DONALD J. McCOOL, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed, Lot 17, Block 60, Section 20, North Springfield, 7514 Murillo Street, Mason District, (R-12.5), Map No. 80-1, V-734-67

Mr. Charles G. Smith, Mr. McCool's father-in-law, represented the applicant. The carport is built, he said, and Mr. McCool wishes to enclose it to make the utility room larger. The neighbors have no objections and several in the neighborhood have done the same thing. The carport was built in 1958 when the house was constructed and the applicants have lived in it for two years. The enclosed part will be used only for storage and as a utility room. Both Mr. and Mrs. McCool are teachers in the Fairfax County School System and plan to continue to live here.

No opposition.

Mr. Yeatman moved that the application of Donald J. McCool, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed, Lot 17, Block 60, Section 20, North Springfield, 7514 Murillo Street, Mason District be approved as applied for because of topography and because of placement of the house on the lot. Seconded, Mr. Baker. Carried - all voting in favor except Mrs. Henderson who abstained because she felt the Board needed more information before making a decision.

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MR. & MRS. EDWARD P. LEE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 6.7 ft. from side property line, Lot 67, Section 2, Tall Oaks, Mason District, 5010 Dodson Drive, (RE 0.5), Map No. 71-4, V-736-67

Mr. Lee stated that the lot is level back to about 15 ft. and he had to put in a brick wall and concrete construction because the earth was falling down and they were afraid of losing the trees. Very few of the houses are without carports and garages. The house was purchased about two years ago; they are not the original owners. The lot is odd shaped.

This is a new house in a relatively new subdivision, Mrs. Henderson said, and the variance is a large one. The size of the carport should be cut down to reduce the variance.

No opposition.

Mr. Smith said he would like to check another application which had been before the Board in this same area before making a decision on the application; he moved that the application be deferred to December 19 to view the property and for further information. Seconded, Mr. Baker. Carried unanimously.

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VIENNA DAY CARE CENTER (Fairfax Unitarian Church), application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center (40 children) ages 3-6, 7 a.m. to 6 p.m., 2709 Hunter Mill Road, Providence District, (RE-1), Map No. 37-4, S-737-67

Miss Duffy of the Fairfax County Welfare Department and Mrs. Beattie were present.

Miss Duffy stated that the Fairfax County Welfare Departmt was sponsoring the school; the Fairfax Unitarian Church had invited them to use their facilities for the school. This program was started with the interest of some of the low income families in the Greater Vienna area, mothers who work and want better care for their children, and some who are anxious to work. Some of them are assistance cases in the Welfare Department. They asked for help in establishing a day care center and last June the Board of Supervisors appropriated funds of $43,000 to underwrite this program. The Unitarian Church had expressed an interest in cooperating with this plan right from the beginning and have consistently indicated this to them. They have met with the church board and they made their recommendations that they be allowed to use their space. The personnel will be County employees; the County Civil Service Commission have already reviewed the qualifications and set salary scales. They will be under the County Employment System. The County appropriated $10,000 to assist ACCA (Annandale Christian Community For Action) and they will be administering it themselves, giving reports to her for the County regarding the use of the $10,000, Miss Duffy said, but she will have a consultant capacity in this case and would have direct administration.

The maximum number of children they could care for under this plan would be forty, Miss Duffy said, ages 3 to 6. They are going to use the #3 building which has been inspected by Health Department and Public Works, and they found it adequate for forty children. The kitchen will be in another building. This would be a five day week, 7 a.m. to 7:30 p.m., depending upon the hours of the mothers. They are getting a school bus through the County garage and will probably bus most of the children because of the distance. The bus driver will have training under the County Garage. They will take applications first from those living in the area but thought it would be only proper if they had a mother who worked in Vienna and could bring her child to a central point.

Mrs. Beattie explained that those who could pay a fee would pay a small amount but anyone whose income was such as to afford a private school would not be eligible for this care. This is only for low income families.

No opposition.

The Church will furnith the building, tables and chairs, and some play equipment, Miss Duffy said. Cots will be furnished for the youngsters' naps each day and they will share the cost of a janitor. Mr. Douglas Adams, member of the congregation, and Mr. Stevens, County Attorney are in consultation drawing up the wording of an agreement.

In the application of THE VIENNA DAY CARE CENTER (Fairfax Unitarian Church), application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day care center at 2709 Hunter Mill Road, Providence District, Mr. Smith moved that the application be approved for a maximum of 40 children, ages 3 to 6, approved in conformity with statements made. This is a facility provided by Miss Duffy's Department for the benefit of people in the County, particularly in the greater Vienna area, for needy families. All other provisions of the Ordinance, Federal, State and County applicable to this application shall be met. Seconded, Mr. Yeatman. Carried, all voting in favor except Mr. Barnes who abstained, because he is the next door neighbor.

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SPRINGFIELD SWIM CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to existing bath house (to be used as first aid room), 7401 Highland Street, Lot 1, Block 52, Section 20, Springfield, Mason District, R-12.5, S-738-67 (Map No. 80-1)

A permit was granted to the Club in 1954 and construction was done in 1955, Mr. Pattage told the Board. The addition to be placed on the west side of the building would be 14' x 20' and would be used as a first aid room. This would assist the lifeguards in having better visibility of the pool at all times. At the present time they have a hard time seeing the pool from the back side. This addition would also have basement facilities for storage.

No opposition.

In the application of Springfield Swim Club, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to existing bath house, to be used as first aid room, 7401 Highland Street, Lot 1, Block 52, Section 20, Springfield, Mason District, Mr. Smith moved that the application be approved. This is really an amendment to the original granting dated October 19, 1964 setting forth the location and off street parking requirements for the facility, assuming that all original provisions of the granting were met, including the submission to the Board of ingress and egress plans prior to construction, or perhaps since this was approved prior to the site plan ordinance, it should be left to the Staff's discretion whether or not certain portions of this operation need correction or to be brought under the site plan Ordinance. The Board will recommend that site plan might be waived. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HAMLET SWIM CLUB, INC. application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool and bath house, 8209 Dunsinane Court, Dranesville District, (R-17 cluster), Map No. 29-1, S-739-67

Captain Kelly stated that the Club had incorporated for 400 family memberships; they have 4.57 acres and have shown 133 parking spaces. The subdivision is planned for 400 family units and the intentions of the Club are to hold all memberships until the homes are sold and each buyer has had an opportunity to say no. 308 homes are constructed now and progress is very rapid on the remaining ones. There are 108 members at the present time. Purchasers of the homes have to join the membership completely separate from the house. The land is being leased from the County Park Authority, they hope to obtain a 30 year lease on whatever acreage is shown on the plats. The entire project will be financed by the Club through a loan and the Park Authority does not enter into the construction phase other than waiving certain land rights over a period of time.

Mr. Yeatman asked if the Club planned to dedicate the cul-de-sac and build the street and sidewalks.

The developer will do that, Capt. Kelly replied.

Mr. Knowlton said that an easement had been provided for turnaround purposes on a temporary basis until the street goes in. This operation would preclude the street from going anywhere, thus it becomes a permanent thing. He suggested dedication so the State could take it over and maintain it, and that sidewalk be constructed with connection to the school property.

The by-laws governing hours of operation have not been completely written yet, Capt. Kelly said, and he wondered if they would need a special permit for teen age splash parties.

Mr. Smith felt there was a need for afterhours recreation for teen agers, and the Board has granted three or four nights to several swim clubs in the County. If this application is granted, there should be some indication of it shown on the subdivision drawing in the sales office so that anyone purchasing a lot in the area will be aware of it.

Capt. Kelly said that he had contacted the Phoenix Company owning the adjoining land and showed them where the pool was going to be. So far they have received nothing but support. They are incorporated as a non-profit organization.

A copy of the corporation papers and by-laws should be made available to the Zoning Administrator, Mr. Smith said, before the issuance of an occupancy permit.

Mrs. Howard Solberger from Woodside Estates, Co-Chairman of the Neighbors for Better Recreation Committee, said they have been very active in arranging recreation for children from middle and low income families. Will minorities be allowed at this pool? Will the Negro neighbors be welcomed as guests at this pool, she asked?

This piece of land is set aside for this particular subdivision because that is the way the developer got cluster zoning, Mrs. Henderson explained. This land was meant for the people of this subdivision, not necessarily for the outside people. This is a membership club open only to members and their guests.

Capt. Kelly said they had already had requests from other organizations for the use of this non-existent pool next summer. One swim club wants to use it for their meets because this will be a 50 meter pool. Another swim club has asked to use it for training purposes. What their policy will be on this -- who can use it, when they can use it, etc. -- is something that will have to be answered by the full membership.

Mrs. Henderson said she felt that the plan was that whoever lives in McLean Hamlet would have an opportunity to purchase membership in the club. It is being built specifically for the people of McLean Hamlet.

Are Negroes allowed to buy in McLean Hamlet, Mrs. Solberger asked?

Yes, Mrs. Henderson said, and she would assume that if the 400 maximum membership was completely filled up in McLean Hamlet, there would be no more memberships available. If they could not get all the people from the subdivision, then it would be the policy of the governing body as to where they could go for other members.

Mr. Walkind of the Phoenix Corporation was concerned about the access to the pool site; he felt that it might make it difficult for them to sell some of their houses -- people with children don't want to live on a busy road.

Capt. Kelly said they had already made plans for providing a privacy fence and will give complete visual privacy. This site would have direct access from the roads in the Hamlet; none of the other sites would have the direct access, they would have to use right of way access through other people's properties. This location is ideal for children to get to the pool site, they don't have to cross any major thoroughfares. The engineers will work out the screening.

The citizens of Odricks between McLean Hamlet and Woodside resent the fact that Park Authority land is being donated for a swimming pool, Mrs. Solberger told the Board.

This entire Park Authority land was set aside for McLean Hamlet, Mrs. Henderson explained, and the subdivision was granted for cluster zoning cutting down on individual back yards and providing a common open space instead of each one having their own back yard.

Mr. Smith added that when these people bought homes in McLean Hamlet they indirectly paid for the land set aside for recreational purposes by the developers. He said that he was aware of the needs of the people of Odricks and perhaps the owners of the pool would, out of the goodness of their hearts, invite these people in as guests. Perhaps if the membership is not full they would go to these old families in the community.

Mr. Smith said he would like to see the pool open for teenagers at night, if there are no complaints.

In the application of Hamlet Swim Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool and bath house, 8209 Dunsinane Court, Dranesville District, Mr. Smith moved that the application be approved with the following conditions: that swim club hours be restricted other than for the six special days for each season, this meaning that if there are complaints, this would have to be withdrawn at the request of the Zoning Administrator,

but there would be a maximum number of six nights during the swim season that the club would be allowed to remain open till 11 p.m. - normal hours of operation 9 a.m. to 9 p.m., that lighting and noises connected with the pool in the way of speakers, music, etc. be confined to the pool area and the area adjacent to the pool only. Speakers should be placed at strategic points so that the noise would not overflow onto surrounding residential areas. This applies also to lighting. There shall be screening of solid fencing no less than 6 ft. in height in the area adjacent to Lots 220, 221, and 222, and any other areas proposed for residential development; that the parking lot and pool facility be fenced and that the pool area itself be fenced in conformity with County and State standards. If the Staff feels that after discussion with the Park Authority, since the Park Authority is the only adjacent land owner, that there might be provlems connected with the parking areas, that they be fenced in such a manner as the Staff might recommend; there might be some mutual arrangement where people could use these parking areas as park land when the pool is not in use. That the cul-de-sac serving the swimming club be dedicated as a public street and that sidewalk be constructed with connections to school property. This is part of the granting and at such time as the Staff feels that this is not in the best interests of the citizens in the area, they might recommend any changes that might be in the interests of all concerned; that there be not less than 134 parking spaces provided for the maximum family membership of 400; that the swim club be allowed under this use permit to go to adjoining surrounding established subdivisions for additional memberships if they so desire. All other provisions applicable to this application, both State and County, be met. Seconded, Mr. Barnes.

Mr. Yeatman offered the following amendment, accepted by Mr. Smith and Mr. Barnes -- that the cul-de-sac be dedicated and built, and that the sidewalk be dedicated and built by the Hamlet Swim Club in accordance with State standards. Carried unanimously.

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LILLIE G. KROUT, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care, 1-5 years old, approximately 8 children, 8 a.m. to 8 p.m., 7004 Vanderbilt Drive, Bucknell Manor, Mt. Vernon District (R-10), S-744-67, Map No. 93-1

Mr. Krout stated that Mrs. Krout has been caring for children for 15 years but not in Fairfax County. There are two neighbors for whom she baby-sits. These are neighborhood children who are dropped off by their parents. The youngsters would be confined to the first floor area and not be allowed to wander upstairs. They have a fenced back yard for play. This is strictly a baby-sitting service and there would never be more than eight children at any one time.

No opposition.

In the application of Lillie G. Krout, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care, 1-5 years old, maximum of eight children, 8 a.m. to 8 p.m., 7004 Vanderbilt Drive, Bucknell Manor, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for, and that site plan waiver be left up to the Staff. If construction of additional parking spaces becomes necessary they should be constructed. This is granted to Mrs. Krout only, non-transferable. Seconded, Mr. Barnes. Carried unanimously.

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LAWRENCE E. KENNEDY, application under Section 30-6.6 of the Ordinance, to permit building 22 ft. from rear property line, located on south side of Route 7 approximately 1600 ft. west of Sugarland Road, Dranesville District, (RE-1), Map No. 6, V-748-67

Mr. Goode, prospective purchaser, and Mrs. Kennedy were present. Mr. Goode stated that the contract is contingent upon Board action. This property is the residue of land which was taken by the State for widening of Route 7. It is a triangular shaped piece of land and the Kennedys wish to move their house back on this lot. They have removed the front porch and the dormer window trying to make the house fit the lot but it will still need a variance.

The sale is also conditioned upon approved percolation tests, Mr. Goode added. A well will have to be drilled too.

No opposition.

Mr. Smith moved that the application of Lawrence E. Kennedy, application under Section 30-6.6 of the Ordinance, to permit building 22 ft. from rear property line, located on south side of Route 7 approximately 1600 ft. west of Sugarland Road, Dranesville District, be approved as applied for in conformity with plats submitted. This is a situation where the State Highway Department has taken property for right of way of a State road. The applicant purchased the house from the State and now would like a three foot variance on one corner of the house which was in existence on a portion of the lot. This is a very unusual shaped lot after the State took a portion of the land, stating to the applicant that the remaining lot was buildable. It is understood that granting this variance is for construction of the house and is contingent upon Health Department approval and any other agencies' approval which might have control over this application. This is an irrevokable action, goes with the property, and should be made a part of the deed the day of granting. Seconded, Mr. Barnes. Carried unanimously.

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November 28, 1967

DEFERRED CASES

SOUTHDOWN CORPORATION, application under Section 30-6.6 of the Ordinance, to permit erection of gatehouse in 50 ft. right of way, Parcel B, Southdown, Dranesville District, Map 3, (RE-2), V-634-67, (deferred from October 10)

Mrs. Henderson remarked that she still felt this gatehouse could be put on the other side of the road.

There are no pine trees on that side of the road, Mr. Mackall said, and they wished to tuck the building into the pine trees. They have changed the easement which had previously been created for right of way purposes. They propose to cut off a particular piece out of the right of way so there will be a right of way which is 50 ft. and then narrowing by 14 ft., continuing on another 25 ft. and then widening out to 50 ft. again. They are faced with a 2 acre lot and they believe that a reasonable use of that lot would be for the construction of a gatehouse, in the middle of the 2 acre lot. They feel that the strict application of the setback requirements in this area would deprive the land owner of a reasonable use of his land. They filed under Section 30-6.6 so they can locate as shown on the plat.

Why couldn't it be put back to meet setback requirements, Mr. Smith asked?

Because if it were back 75 ft. from the center line of the outlet road, then it becomes useless, Mr. Mackall replied.

Mailboxes could go here by right, Mr. Smith commented, but this is a 10' x 16' building. This road is going to serve several homes; this might be good from the esthetic and convenience standpoints, but from the safety standpoint it does not seem practical. Under the Ordinance he did not see how the Board would have the authority to grant the request. The lot is on record showing a 50 ft. outlet road easement and the applicant has come in with a different arrangement which has not been submitted to the Staff yet.

This does not have to be submitted to the Staff, Mr. Mackall contended, it is a proposed vacation and the paper work has not been completed on it; there is not really a safety problem because this is designed for children to safely wait for school buses.

The gatehouse has been designed for the mailman's convenience, Mr. Laylin said, in inclement weather he could pull under the overhang and deposit the mail in the boxes, or leave packages inside.

To allow less than a 50 ft. right of way to serve eventually sixty homes would be very poor planning, Mr. Smith said, the Board must take all of these factors into consideration on every variance request. The gatehouse should certainly be set far enough beyond the 50 ft. easement to allow one car to pull off the road and to allow other cars to line up as they come in and out. A deceleration area should be provided on the other side of this 50 ft. also.

The law only requires them to provide "serviceable access", Mr. Laylin said; this could be a 20 ft. outlet.

Mr. Laylin is only trying to preserve the country atmosphere, Mr. Barnes said, therefore he moved that the application of Southdown Corporation be granted according to plats revised 11-27-67 showing the yellow line easement to be recorded.
No permit for this building shall be issued until it is on record that this vacation and rededication has taken place. Seconded, Mr. Yeatman. Carried 3-2, Mr. Smith and Mrs. Henderson voting against the motion -- there are other ways of solving this, they said.

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SOCONY MOBIL OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit gas station 47 ft. off Chain Bridge Road and allow pump islands 20 ft. off Chain Bridge Road, Providence District, (2084 Chain Bridge Road), Map 39-1, (C-G) (deferred from October 10)

Mr. Davis stated that the application was granted by the Board once before but their permit ran out. He introduced Mr. Chadwick, real estate representative of Mobil.

The property was purchased by Mobil in 1960, Mr. Chadwick stated, and had operated for approximately one year when the Highway Department condemned a portion of their land for widening of Chain Bridge Road. They made application to build a new station on the property and it was approved by the Board, however, during site plan approval, their permit expired. The new application which they submitted was deferred by the Board for more information. They have contacted Mr. John Stinnett, owner of the property to the rear of their site, and he has definitely refused to sell them additional ground to enable them to move their building back. When the County required Mr. Stinnett to dedicate 25 ft. of property along Old Courthouse Road for future widening, the size of his property was reduced by 2619 sq. ft. and he is left only with the required area for the operation of his business on the subject property. Mobil also had to dedicate ground for widening, plus a travel lane easement along the entire Chain Bridge Road frontage.

The station was to have been of the design as the Kroger Shopping Center, Mrs. Henderson said, but the new design is preferable. This is a two bay station with side entrance. She read the following letter from the Board of Supervisors: "The Board of County Supervisors at its meeting of January 18, 1967 approved the subject request, on the following conditions: 1) That a 26 ft. unobstructed access be provided to the adjoining property to the west along Route #123, 2) That a 22 ft. unobstructed access be provided to the adjoining property to the north, along Old Courthouse Road, 3) That a 10 ft. minimum width travel lane easement be recorded along the Route #123 property frontage; 4) That 40 ft. from the centerline be dedicated along Old Courthouse Road."

Mr. Davis stated that the site plan has been sent back four times for revisions - they are now prepared to go ahead with construction since the site plan has been approved.

Mr. Smith asked Mr. Knowlton if he felt this was a good arrangement?

It is the only arrangement that can be worked out on this land, Mr. Knowlton replied.

No opposition.

Mr. Chadwick stated that the old building would be removed as soon as they get the variance approved.

Mr. Smith moved that the application of SOCONY MOBIL OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit gas station 47 ft. off Chain Bridge Road and allow pump islands 20 ft. off Chain Bridge Road, Providence District (2084 Chain Bridge Road), be approved as applied for for reasons previously stated. This was the former location of the applicant and widening of the Chain Bridge Road took considerable land necessitating removal of the present building on the site. The applicant proposes to construct a new two bay station of colonial design as outlined and shown on plats submitted. All other provisions of the Ordinance applicable to this application be met, both County and State, other than those waived by the Board of Supervisors. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASE:

LORE K. ARAUJO, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten thru first grade, 70 children, morning and afternoon sessions, 9 a.m. to 4 p.m., five days a week, 7001 Sydenstricker Road, Mason District, (RE-1), Map 89-1, S-745-67

Mrs. Araujo stated that she has been directress of Sydenstricker School for the past two years and she is seeking a permit to operate a school on five acres of land, for children ages 3 to 6, junior and senior kindergartens, and first grade. Hours of operation would be from 9 a.m. to 4 p.m. -- morning classes from 9 a.m. to 12 noon, and afternoon classes from 1 to 4 p.m., first grade from 9 a.m. to 1 p.m. She has been asked to have a first grade but at the present facility there is not enough space for this. The Rolling Valley Citizens Association and all the neighbors are in favor of the application.

Mrs. Henderson felt that the building location was a poor one -- anything that is turned at an angle as far back as this may be restricted for future expansion.

Mrs. Araujo said that she did not intend to expand; she would like only a small school and to save the acreage for their children to build on later. Sewer is on the property now. They brought it 175 ft. from the cul-de-sac in back of them. They plan to live upstairs in the proposed building. The present permit which she has is for a maximum of 50 children at any one time. She would like to continue to have the permit at the church and this will be in addition to that.

Twenty-five letters were received in favor of the application.

Mr. Tom Williams spoke in favor of the application.

Site plan will be required on this application, Mr. Smith noted, and as there is a road widening on each side of the property which ends there, Mrs. Araujo would be required to dedicate 40 ft. from the center line of this road in order to facilitate the widening. 25 ft. of Mrs. Araujo's property would be required for widening Sydenstricker Road. The Staff would have to make a recommendation to the Board of Supervisors for waiver of site plan requirements and he did not see how it could be justified. The road ends right at this property now on either side, he said. If Mrs. Araujo were just going to build a house widening would not be required, but all use permits require site plan approval.

Mrs. Henderson expressed her willingness to leave this up to Staff recommendation and to the wisdom of the Board of Supervisors whether or not they would waive construction and installation of sidewalks, storm sewer, curb and gutter, and construction of the road.

Mrs. Araujo stated that the children are brought by bus. They now have three buses and four teachers.

November 28, 1967

LORE K. ARAUJO - Ctd.

No opposition.

Mr. Smith moved that the application of LORE K. ARAUJO, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten thru first grade, maximum of 70 children on the premises at any one time, morning and afternoon sessions, 9 a.m. to 4 p.m., five days a week, 7001 Sydenstricker Road, Mason District, be approved in conformity with plats submitted and in conformity with recommendation of the Staff under the site plan requirements. Parking requirements shall be set at 10 spaces providing this is adequate; if there comes a time when this is not adequate,applicant shall provide additional parking spaces as needed; that the applicant dedicate 40 ft. from the center line of Sydenstricker Road and road widening, curb, gutter, sidewalk and storm sewer will be required under the site plan. If in the wisdom of the Staff they see fit to recommend any changes, no part of this motion would forestall any such action other than that dedication be a fact and not a revokable item. All other provisions of the State and County Codes applicable to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Duley re Canterbury Woods Swim Club - Mr. Duley stated that he lives on Lot 29 across the street from the property of the Canterbury Woods Swim Club. There is a deed for a storm sewer of considerable proportions, he said; this is a natural basin for approximately 34 or 40 acres which would drain into the area. He hoped that the storm sewer would be taken care of when the pool is built on this site. Part of Stone Haven has not been developed because of lack of storm sewer in the area. Also, there has been a temporary cul-de-sac at the end of Stone Haven Drive for three years; they have dumped surplus blacktop on that and that was all that was ever done; he wished to be assured that this would be taken care of. It has been a reasonable length of time and still no storm sewer has been provided. When he bought his home he was told that residences would be placed on the balance of the lots, that the road would go on and join with another road; now the name of the road has been changed to English Drive and a temporary cul-de-sac put in which has become more or less a permanent turnaround. He said that he was interested in the storm sewer and also in the amount of traffic that would be brought onto Southampton Drive. Stone Haven is now proposed to join Black Pool Drive and this seems unusual as Black Pool Drive is a 30 ft. street and Stone Haven a 35 ft. street. Parking two cars along a 30 ft. street would make it a very narrow street. There was no opposition at the hearing, Mr. Duley continued, simply because the people could not be present. At least four people requested deferral, all for valid reasons. He said he had not been notified of the hearing until seeing the sign posted on the property and he would not have bought this land if he had known that a pool would be across the street from him. He felt that a pool could be put in some other location, that the builder was only trying to unload a piece of property here which would cost more to develop into homes, and by turning it over to the pool people they would have to put the storm sewer in.

Apparently your only objection to the pool in this location is that it is too close to you, Mrs. Henderson said, and any place where a pool is constructed in a subdivision after the homes have been built will have someone objecting to it. The Board must choose a location for a pool and in this granting they have done all they can to alleviate any possible adverse effects. There are many people who would like to live adjoining a pool.

Mr. Duley said he felt that one of his rights had been pre-empted here; if the pool had been sited beforehand, he would feel that he had no recourse, but to have someone say that this pool had to be built right at this spot with no alternate location did not seem to be the most desirable thing, to him.

Mr. John Lay, resident of Canterbury Woods, said he had worked with Messrs. Martin, Conway and Galvin on development of the park in relation to the pool site. This site was the only one that was proposed so far as he knows. Any other site in the area would have to be in flood plain without going past six or seven other subdivisions.

Mrs. Henderson said that personally, she did not see any reason for reversing the original decision and even if Mr. Duley and all the others who wrote letters had been present and expressed their opposition did not necessarily mean the application would have been denied. The Board must think of the good of the greatest number over the few. There are three or four lots in Stone Haven which would be closer than Mr. Duley's lot and they were not in opposition.

Mr. Knowlton commented that Public Works had said there was no storm drainage problem.

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RUBY C. FINLEY ROUSSOS, application under Section 30-6.6 of the Ordinance, to permit division of property, proposed Lots 1, 2 and 3, Roussos property, Jeffery Road, with less frontage than required and allow proposed dwellings on Lots 1 and 2 closer to street property line than allowed, Map 8, ((1)), Par. 24, V-722-67, Dranesville District, (RE-2)

(Deferred from November 14 for discussion with Staff)

November 28, 1967

RUBY C. FINLEY ROUSSOS - Ctd.

They are not applying for anything on Lots 4 and 5, Mr. Mackall stated. In answer to a question by the Board as to how much land would be included in the street if they built a street all along the side of this property, the answer would be 18.4% of the land or 1.84 acres. They would then be left with 8.319 acres and in order to get five lots they would have to have a variance on all of them.

Basically, this is the only choice for this location, Mrs. Henderson said, because it makes each lot two acres and this is in two-acre zoning; moving the road or widening it would throw the minimum acreage off. She suggested turning the house on Lot 1 to face the outlet road with the carport on the Jeffery Road side.

Mrs. Roussos' niece stated that she would like the house to face the other way because of the view and because her aunt's house faces that way.

Mr. Smith felt that the house should face Jeffery Road because that is the normal trend of development in the area.

In the application of Ruby C. Finley Roussos, application under Section 30-6.6 of the Ordinance, to permit division of property, proposed Lots 1, 2 and 3, Roussos property, Jeffery Road, with less frontage than required and allow proposed dwellings on Lots 1 and 2 closer to street property line than allowed, Map 8, Mr. Smith moved that the application be approved to allow Lot 1 closer to street property line than allowed by the Ordinance in accordance with plat dated 9-26-67 by Berry Engineers. This is a parcel of land under one ownership which has been in the family for a number of years and this is to allow for distribution to heirs and allow construction of a house on Lot 1 20 ft. from side property line and 40 ft. from center line of the outlet road, the frontage for Lot 3. All other provisions of the Ordinance applicable to this application, State and County, be met. Seconded, Mr. Barnes. (Granted with a lot frontage on the three lots and for variance on Lot 1, not on Lot 2.) Carried unanimously.

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ROBERT S. SCHEFFEE - Request for extension: Mr. Smith moved that the application of Robert Stephen Scheffee, be granted an extension of six months (from one year after granting the original application) in order to complete the final plans and recordation of the resubdivision of the lots as granted by the Board. The applicant has diligently pursued this but due to the death of two members of his family, somewhere along the line he has not been able to pursue this to the end. If the finals are not approved and recordation made prior to this date, the applicant's attorney may reappear before the Board prior to the expiration date if there is need for an additional extension rather than after it has expired. All provisions of the original granting still pertain. Seconded, Mr. Barnes. Carried unanimously. (Original granting July 26, 1966.)

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LUCIE COUGNO - Deferred to December 5 to view the property.

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A&D Billiards, Inc. - Request for extension. Mr. Knowlton explained that seven or eight businesses occupying the shopping center had not been issued occupancy permits because the site plan has not been completed. The sewer line necessary to drain the area is holding up site plan approval. Under U.S.#1 is a concrete encased telephone line serving Fort Belvoir, owned by C&P. If this telephone service is closed down for any length of time it would require the use of other telephone lines set aside solely for military purposes, costing $2300 an hour. Public Works is trying to work out these problems and in the meantime there are about eight businesses operating without occupancy permits through no fault of their own. Possibly the Zoning Administrator could issue temporary occupancy permit for 90 days, Mr. Smith suggested, if the business is now operating and if Public Works feels this is not a detriment to the community. In any event there seems to be no need for an extension of the use permit; for all practical purposes, the use is now there.

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Mrs. Henderson read a letter from the Beacon Hill Towers property management regarding the location of a fire siren on the water tower immediately adjoining the apartments. Mr. Burton's answer to them was that he would discuss the matter with Chief Adams, particularly with regard to the feasibility of finding another location for the siren. The Board will await word from Mr. Burton on this matter.

The meeting adjourned at 4:45 P.M.
By Betty Haines

Mary K. Henderson
Mrs. L. J. Henderson, Jr., Chairman

January 15, 1968 Date