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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 5, 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 ELECTRIC & POWER CO., application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission line, from existing Centreville Substation on Moore Road in an easterly direction to proposed Burke Substation near intersection of Braddock Road and Sideburn Roads, Centreville and Falls Church Districts, (RE-1), Map No. 55-3, 55-4, 56-3, 56-4, 67, 68-1 and 68-2, S-742-67

Mr. Randolph Church, Jr., representing the applicant, located the proposed transmission facility on the map and stated that there are two problems -- they need to bring a new source of power into the area and in order todo that, they have to locate a new substation site and a way to get there.

Mr. R. W. Carroll, Manager of the Fairfax office of VEPCO, gave the following report: "Most of the area to be served by the new substation is now served by a substation in the City of Fairfax. The peak load for this station in 1960 was only 9,300 KVA, but by 1966 the peak summer load had tripled to 30,916 KVA, and an additional 10 to 12 per cent increase is predicted for 1968. The existing station has an effective capacity of only 32,000 KVA, and it is served by several 34.5 KV lines which do not have the reserve capacity to accommodate an outage. The loss of any one of these lines would result in a serious interruption of service.

It is readily apparent from these figures that a major new source of electricity is needed in the area to supply the rapidly increasing power requirements and to provide sufficient reserve which will allow the Company to sectionalize its system and provide rapid restoration of power in the event of an outage.

The only effective way to do this job is with a new line and new substation. The area to be served by the line and substation is shown in green on "Exhibit #1". (On file in the folder)

In locating new lines it has been VEPCO's practice for some years to follow existing rights of way or utility corridors and to make joint use thereof with other companies wherever feasible and consistent with efficient service. In 1966 by House Joint Resolution No. 19 the General Assembly of Virginia urged this procedure as official state policy on all public service companies and the State Highway Department. A copy of this resolution is our "Exhibit #2."

In this case Colonial Pipeline Company's existing right of way from its pumping station on Moore Road provided excellent access into the area which must be served, and by following this route and overlapping its easement with Colonial's easement, VEPCO was able to reduce the amount of land it needed and provide the new line with the least possible effect on the public. Only .4 mile of the total 5.2 miles of the line will not be immediately adjacent to the pipeline. These slight deviations were necessary to make two road crossings and to get into the substation site. All of the necessary easements except one have been acquired by negotiation with the affected landowner. One parcel is presently in condemnation.

The Company proposes to use a single steel pole, averaging 70 feet in height for this line instead of the traditional tower. The pole will be self-supporting and will not require guys. A typical pole is shown in "Exhibit #3." (on file in folder)

In connection with the construction of this line the Company proposes to remove seven existing poles and their associated distribution lines along Braddock Road between Route 123 and Sideburn Road and to place these facilities underground.

The proposed transmission line will create no new traffic which might be hazardous or inconvenient to the neighborhood. It will produce no noise or vibration and will not cause interference with electrical equipment. It will be designed and constructed to meet or exceed all applicable requirements of the National Electrical Safety Code.

This line is urgently needed to insure the citizens of this area of Fairfax County adequate and dependable electric service. We respectfully urge the granting of a special use permit for this important facility."

Mr. McK. Downs reported that he had investigated the route and in connection with this had prepared an exhibit (on file in the folder) indicating that this type of construction is similar to what is now existing along Braddock Road and that it would have no adverse effect on existing or proposed construction.

No opposition.

VIRGINIA ELECTRIC & POWER CO. - Ctd.

Mrs. Henderson noted that the Planning Commission had not heard the application; it is scheduled for their meeting tonight.

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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 line, from existing Centreville Substation on Moore Road in an easterly direction to proposed Burke Substation near intersection of Braddock Road and Sideburn Roads, Centreville and Falls Church Districts, be approved as outlined by the applicant and in conformity with statements made by the applicant's attorney, as to noise factors, location of lines, etc., and that all Federal, State and County Code requirements applicable to this application be met. Seconded, Mr. Barnes. 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 an electric transformer station, on east side of Sideburn Road, Rt. 653, 135 ft. south of Braddock Road, Falls Church District, (RE-1) Map No. 68-2, ((1)), Parcel 41, S-741-67

Mr. Randolph Church, Jr., representing the applicant, located the site, comprised of approximately five acres.

Mr. Carroll asked that his report given in the previous case be considered as evidence in this case. There is a rapid growing demand for electricity in the area which requires a new source of power, he explained, and a substation is obviously required. Anticipating the need for a new substation, and recognizing the efforts of following the Colonial Pipelines right of way into the area, the Company picked a site very close to the pipe line area in 1965. At that time all the property around the site was zoned RE-1 and was almost entirely undeveloped. About the time they reached an agreement on the purchase of the lot, some property on the opposite side of Sideburn was rezoned to RE -0.5 and this is presently being developed. This site is very close to the center of the area to be served; it is also important that the company have the ability to extend their lines in a southerly direction from this site at some time in the future. They have already reached an agreement with the neighbors to the south on how this can be done. Because of the construction of residences to the west, VEPCO will construct a new design low profile facility. Slightly over one acre in the northwest corner of the site will be developed into a pedestrian park with trees, shrubs and benches. The facility will be completely surrounded by aluminum panel fencing and panel weave fencing. The gate will be locked at all times except when an attendant is present. They will remove six poles along Sideburn Road and place these facilities underground. Sound absorption barriers will be placed around the transformers and there will be no additional noise. The facility will be attended from time to time and should produce no hazardous traffic, no electrical interference, no smoke, glare or air pollutants.

Mr. Smith felt that the fence should be solid aluminum all the way around rather than panel weave fencing, to plan for future development. He asked if the park would be open to the public.

Mr. Carroll replied that it would be.

Mrs. Henderson read a copy of a letter to the editor of a Hampton newspaper commenting on a park down there, and it was very complimentary.

Mr. Downs gave his report concluding that the proposed facility would have no adverse effects on existing housing or existing property values.

Mr. Smith was concerned about the spraying of undergrowth; it becomes a fire hazard when it dries out, he said. Colonial Pipelines' right of way is completely cleared and maintained in grass. He asked what VEPCO proposes to do as far as the foliage is concerned?

The right of way will be cleared to give good access as well as preventing trees from growing up to interfere with the line, Mr. Carroll said, and in Fairfax County they have agreed not to spray the right of way.

No opposition.

In 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 an electric transformer station, on east side of Sideburn Road, Rt. 653, 135 ft. south of Braddock Road, Falls Church District, Mr. Smith moved that the application be approved in conformity with the proposed site plan submitted, and that additions to this be in the form of a continuous 8 ft. panel type screening on all sides to completely enclose the facility; that the park be developed in conformity with proposed site plan submitted; that VEPCO under the site plan provide 4 or 5 parking spaces for service vehicles that might be serving the facility; that they dedicate 40 ft. from the center line of Sideburn Road across the entire frontage of the facility as shown on the land plat; gate to be large enough to allow for largest trucks to enter and leave without any trouble, and all other provisions of Federal, State and County ordinances, be met. Seconded, Mr. Barnes. Carried unanimously.

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December 5, 1967

The application of THOMAS W. NEWTON was deferred to January 23 at the applicant's request.

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TYSON'S - BRIAR, 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, training pool and tennis courts, off Old Courthouse Road adjacent to Wolftrap Creek, Providence District, (RE-1), Map No. 28-4 ((1)) Part Par. 45, S-743-67

Mr.Richard J. Krach, contractor for the proposed pool, and Mr. Syler, attorney for the corporation, were present in support of the application.

This is a non-profit corporation, Mr. Syler stated, organized for the purpose of constructing and maintaining recreation for its members. Tysons-Briar, Inc. is contract owner of approximately six acres of land located near the intersection of Creek Crossing Road and Old Courthouse Road. They propose to construct a 50 meter pool, training pool and wading pool, five tennis courts and bath house facilities on the property. The entire project is being organized and planned by the citizens themselves. There are about 750 families in the community with additional families coming from the proposed Wexford and Waverly Subdivisions. Maximum membership will be 540 members. They have been soliciting for memberships this past week. There are no community pools in the area. The use of the subject land will in no way be detrimental to the development and character of the neighborhood. Owners of the land for the proposed subdivisions have already expressed an interest in the pool for the buyers of their homes. Access will be off Kilarney Street and pending construction of this road there will be a temporary easement across the Pickett property during construction of the pool; this will not conflict with normal traffic flow. A fence will be constructed along the Wexford Subdivision line and along the McDowell property. There will be landscaping done, and parking provided for 194 vehicles.

Mr. Syler presented a copy of the Charter and by-laws for the record, and said that the organization would be known as the Cardinal Hills Swim and Racquet Club. They would charge $400 for membership during their membership drive and when this is over they would charge $450. There will be an annual assessment for upkeep, and the pool will be open from Memorial Day to Labor Day.

Mr. McDowell, adjacent property owner, stated that they own two houses, and he is the seller of the land to the Club. His four children are eager to use the pool and tennis courts and he plans to continue living here. He would not like to have something go on the property which would impair the sale of his property or render it objectionable as a place to live.

Mr. Smith felt that a chain link fence should be put around the entire area to keep out trespassers from the proposed park area.

Mr. Krach said he had discussed this with the Park Authority and because of the hazardous condition of Old Courthouse Road in the area of Wolftrap Creek, they would like to have the public walk down from Wexford to get to the park property.

A gate could be provided for access to the park area, Mr. Smith said, but he would object to leaving the facility open and requiring the County to police it if it became a real problem. If the adjacent land should be dedicated to the Park Authority, there should be a chain link fence 6 or 7 ft. in height provided, but if used for residential uses, the fence should be a solid one.

The Wexford Subdivision has preliminary approval, Mr. Knowlton stated, and the only notation was that Kilarney Road would provide access to the adjoining property. It is this access that the applicant is picking up for the entrance to the pool site. There is no access to the property now, only a proposed road.

Mr. Becker, adjacent property owner, discussed ways of reducing the noise from the pool. He also was concerned about dust if Kilarney Road does not get paved. Also, he stated that they were against the pool unless a 7 ft. anchor fence is provided if the pool is located over the rise of the hill another 100 ft. If the pool site is not moved, the applicant should provide a wooden fence properly painted. He felt that the pool site should be moved over the lip of the hill another 100 ft., the loudspeakers aimed away from adjoining homes toward the Yeonas park area, the lights aimed toward the park area, that music should not be allowed over the loudspeakers, and that the access for the building of the pool be in the area of proposed Kilarney Road. He added that Kilarney Road should be paved.

Mr. Smith assured Mr. Becker that the lighting would be directed in such a manner that no lights would shine onto any property, not even the park property. The noise factor would not disturb the adjacent residents as the loudspeakers could be placed in such a manner that they would only be heard 15 ft. away. This would mean the placing of many loudspeakers rather than one, and the light factors would be regulated by the Ordinance.

Mrs. Margaret Pratt, adjacent property owner and resident of the area for ten years,

asked about fencing requirements.

Mr. Smith felt that a chain link fence should be put on the park side of the property and the rest of the fence should be wooden barrier type. Mr. Becker's side should have a wooden fence, and Mr. McDowell has agreed to a chain link fence.

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Mr. Krach listed the reasons for selecting this particular site -- this is a beautiful site, located on a plateau, with the land falling off rapidly. With the assistance of civil engineers, they chose this plan. The tennis areas will be below the pool site, in the buffer area. There are beautiful trees in the area and they would retain as many of them as possible. The facility has been laid out in a series of terraces. The training pool is really a teaching pool for teaching small children how to swim. Separate tennis courts and restrooms will be used during the period when the pool is closed. There will also be a place for storage of maintenance equipment, and a combination of bath house and small Board of Directors building. At the upper end of the building will be a roofed patio area overlooking the park. There is no guarantee from Wexford as to when proposed Kilarney Street will be paved and since it would not be fair for members who join in good faith expecting to use the pool this spring, and for some reason Kilarney does not get paved, they have an agreement to use the access road until the street is completed and it must be maintained dustfree for that period of time.

Mr. Knowlton noted that it could be some time before Kilarney is built as Wexford only got preliminary approval three months ago.

Mrs. Henderson noted a letter from Mr. and Mrs. Charles Randall, stating that they were unhappy with the proposal but would not oppose it since the neighbors are in favor of it, and a letter from Mr. and Mrs. Charles Glissman stating that although they did not object to the pool itself so long as it stays with a private organization, they were opposed to increased traffic on Old Courthouse Road which is narrow and dangerous already.

In the application of Tyson's Briar, 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 training pool and tennis courts, off Old Courthouse Road adjacent to Wooftrap Creek, Providence District, Mr. Smith moved that the application be approved for Tysons-Briar, Inc., trading as Cardinal Hills Swim and Racquet Club, in conformity with plats submitted; that the applicant provide access of an approved recorded easement with not less than 35 ft. in width, dustless surface, prior to beginning construction. Prior to any use by the membership, the road must be paved to a width of 26 ft. from its beginning to the full entrance; that the area adjacent to the residential land marked Wexford Estates, Pratt and Becker, be fenced with a solid type fencing not less than 6 ft. in height and any other screening that the Staff feels necessary to screen the area; that the area marked Yeomas and McDowell be fenced with a chain link fence not less than 6 ft. in height and access to the property may be provided in any area the applicant and Staff feels is necessary to provide walking access or vehicular access for service purposes to the facility; that the facility be constructed in conformity with plats submitted; that the number of parking spaces be increased to 200. All other provisions of the Ordinance shall be met. Lighting shall be so directed as to flood the area under consideration and not shine onto adjacent residential areas; noise shall be directed so as not to interfere with the normal lives of people living nearby and shall be kept to a minimum, policed by the applicant to the best of his ability. All other provisions of the Code applicable to this application shall be met prior to construction. At the time this becomes permanent under site plan the applicant shall dedicate along any frontage that might exist 40 ft. from the center line if 80 ft. width and 30 ft. if it is a 60 ft. width. If the staff feels it is necessary to make any deceleration lanes, they should be required on the site plan. Hours of operation 9 a.m. to 9 p.m., with permission to hold a maximum of four parties till 10 p.m. and that the Zoning Administrator be notified in advance of these parties. Any complaints about the first or second parties would result in refusal by the Zoning Administrator for the third and fourth parties. Seconded, Mr. Barnes. Carried unanimously.

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JOHN C. AND RUTH E. JONES, application under Section 30-6.6 of the Ordinance, to permit erection of fence 6 ft. high 20 ft. from Utterback Store Road, 440 Utterback Store Road, Dranesville District (RE-2), Map No. 7, ((1)) Parcel 1A, V-746-67

The fence was installed by a fence company bonded and licensed to work in Fairfax County, Mr. Jones stated, and after it had been completed, he received a violation notice from the Zoning Office. They put the fence up to keep the dog in the yard. They have a German Shepherd dog and she can jump over a 4 ft. fence.

This is another case, Mr. Smith said, where if a building permit had been required for the fence this would not have happened. There are no sight distance problems in connection with this.

In response to a question by Mrs. Henderson as to why they did not put the fence entirely in the rear yard, Mrs. Jones said that there is a Colonial Pipelines easement there and they could not build over that. Also, the land slopes down in the back and there is a 12 ft. drop there. They have lived in this house for over a year, and bought the acreage a couple of years ago. They built the fence in September and were not aware that it was in violation. They assumed that all necessary permits had been

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secured by the fence company.

Mr. Jones presented five letters from adjacent and nearby property owners -- all stating that they had no objections to allowing the fence to remain.

Opposition: Mr. Louis Leigh, Jr., represented Mr. Louis Facchini, owner of 108 acres across Utterback Store Road. Mr. Facchini has been a resident of the area for many years. The high bank on which the fence is erected accentuates the height of the fence, Mr. Leigh said, and Mr. Facchini feels that it is a detriment to the neighborhood unless it complies with Ordinance requirements and he would like to see the fence reduced to less than 4 ft. across the front and side lines.

Mr. Burns stated that he had written a letter to the Board expressing his fears about the application. First of all he was astounded that Mr. Jones had not asked some of his neighbors what they thought about an extensive dog run; he added that he did not wish to live across the street from a "dog pound". This is not the character of the area and he felt that all Zoning restrictions should be adhered to.

Mrs. Henderson commented that she could see no topographic reason for allowing the fence to remain. Moving it back to the building setback line would still give plenty of room for the dogs to run.

Mrs. Jones, in rebuttal, said that Mr. Facchini's house was not visible from their front yard, and if the fence is an eyesore where it is now, she did not see how moving it back would make it any less of an eyesore. They do not have a kennel or a dog pound -- they only have two dogs and they give the puppies away. The fence was erected by Suburban Fence Company of Rockville, Maryland.

Mr. Baker moved to defer to February 27 for representative from the fence company to be present. Seconded, Mr. Yeatman. Carried unanimously.

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KENNETH K. KREWATCH, application under Section 30-6.6 of the Ordinance, to permit erection of addition 38.9 ft. from Montgomery St. and permit carport to be enclosed for room 10.4 ft. from side property line, Lot 40, Section 2, Edsall Park, 5414 Montgomery St., Mason District, (R-12.5), Map No. 80-2, V-749-67

Mr. and Mrs. Krewatch were present. Mr. Krewatch stated that they have lived in this house for ten years and they like the location. The dining room and kitchen are relatively small and rather than buying a new home and moving farther out, they felt that it would be better to extend the front of the house and add about 4 ft. of space to the kitchen and dining room, and also give a small family room or breakfast nook. They would push the front of the house out to include the walk that is there and would put in a new walk. This would be compatible with other split levels in the area. If they are not allowed to do this, they would request to enclose the carport.

Mrs. Henderson felt that it would be better to maintain the front setback and get a variance on the carport.

Mr. Smith agreed that the applicant has a good case in relation to the side yard because of the shape of the lot, but he said he could not justify any variance on the front setback. They have 2.9 ft. to extend the roof line and the existing carport could be enclosed.

No opposition.

In the application of Kenneth K. Krewatch, application under Section 30-6.6 of the Ordinance, Mr. Smith moved that the application be approved in part -- to permit the carport to be enclosed for a room 10.4 ft. from side property line, Lot 40, Section 2, Edsall Park, 5414 Montgomery Street, Mason District. This motion is not to change the plans in any way as long as the applicant can meet the 40 ft. setback requirements as to front setback which means they can have an addition 2.9 ft. in front of the house if they so desire. All other provisions of State and County ordinances shall be met prior to construction. Seconded, Mr. Barnes. Carried unanimously.

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KENYON L. EDWARDS, application under Section 30-6.6 of the Ordinance, to permit erection of dwellings closer to front property lines than allowed, Lots 1, 5, 6, 9, 12 and 13, Chesterbrook Hills, Dranesville District, (R-17), Map No. 31-4, V-750-67

Representative for the applicant requested deferral in order to meet the requirement for notices.

Mr. Baker moved to defer to January 23; seconded, Mr. Yeatman. Carried unanimously.

The Board requested that Mr. Vaughters and Mr. Kulski be notified of the next hearing.

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D. I. JAVIER, application under Section 30-7.2.10.5.19 of the Ordinance, to permit dancing in restaurant, SW corner of #1 Highway and Mt. Vernon Rd., 8639 Richmond Hwy., Chef's Restaurant, Mt. Vernon District, (C-G), S-753-67, Map No. 101-3 ((1)) Parcel 100

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Notices dated November 28 did not meet the ten day requirement, however, Mr. Baker moved to accept the notices and hear the case. Seconded, Mr. Yeatman. Carried unanimously.

There is no place in the area which offers family type dancing, Mr. Javier said, and he would like to have dancing in his restaurant. He has operated the restaurant for seven months and many families have requested him to file this application. If the permit is granted, he will take over the entire property, including the garage. The Police Department have said that they will check into this if he gets the permit. The Fire Marshal has inspected the property and said that it could be used for this purpose.

The Fire Marshal reports that seating capacity is not to exceed 64 people, Mr. Smith noted.

Mr. Javier said that dancing would be held on Friday, Saturday, Sunday and one week day, if the permit is granted.

Mr. Smith asked if the Staff would recommend waiver of site plan requirements?

Under certain conditions, Mr. Knowlton replied -- paving of the parking lot should be done. This would upgrade the area.

This might be a prime case for a temporary permit, Mrs. Henderson suggested, with a time limit of one year, to see if this works out.

Mr. Smith added that Mr. Javier should explore the cost involved before pursuing this too far, look into paving the parking area, getting Police permission, etc. All the Board members agreed that Mr. Javier's idea was admirable.

Mr. Yeatman moved to defer to January 9 to view. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

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 (deferred from November 14, 1967)

Mr. Swayze, attorney, stated that he had just gotten into the case and was not as familiar with it as he should be, therefore he requested deferral of the application that he might obtain additional information.

Mr. Smith moved to defer to December 19 at the attorney's request. Seconded, Mr. Yeatman. Carried unanimously.

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CAMPBELL & THOMPSON, INC., to permit erection of bath house (men's and women's restrooms), 10450 Van Thompson Rd., Lee Magisterial District (RE-1) Map 105

The applicant was not present. Mr. Smith moved that the item be rescheduled for January 23 and at that time if the applicant is not present the Board should issue a show cause why permit should not be revoked. Seconded, Mr. Yeatman. 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

The application had been deferred several times for Mr. Morgan to be present and explain the request. Again, he failed to be present. Mr. Duvall, representing the next item on the agenda, requested that the Board defer the request for 30 days. Mr. Smith was very reluctant to granting any further extensions; the item has appeared on several Board agendas and Mr. Morgan has not been present.

Mr. Yeatman moved to grant a final extension of Mr. Morgan's request to December 19 and if the applicant is not present, the permit will automatically expire. Seconded, Mr. Baker. Carried unanimously.

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December 5, 1967

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 (RE-1), Map No. 59-1, V-728-67

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Mr. Duvall represented the applicant. He stated that Mr. Thompson has owned the property since 1954. Mr. Coleman, Soil Scientist, has dug holes in the ground and found an area out of the flood plain on which they could build. However, they will need a 12 ft. variance in order to do this.

Mrs. Henderson said the lot looked like a terrible building lot and since Col. Wall lives next door, he probably should buy it to go with his property. No one in the area objects to the side variance but all the letters received objected to the front variance.

Perhaps if a flood plain study were made, Mr. Yeatman suggested, they might get a different answer and might be able to move the house location back farther.

At least two applications have been made for building permit, Mr. Duvall said, and both were not approved.

Mr. Smith expressed concern about the size of the request. He said he did not object to the request for side yard variance but did not want to vote for a variance on the front unless the Board can arrive at the fact that this is the only place for construction on the lot. Before taking any action, there should be further study made.

This man has been paying taxes on the lot for years and he would like to build on it, Mr. Duvall said. The only way he can do this is to come before the Board and ask for relief as a hardship case. He could have developed it before flood plains were set up. Now the Board says he must spend more money and come back.

There should be some relief given by the County for a tax burden on an unbuildable lot, Mrs. Henderson said. She noted three letters in opposition to the front variance request -- one from Mr. Paul C. Fowler, Mr. Allen M. Best, and one from Col. C. J. Wall, who was also present.

If the County says this is flood plain and it cannot be used for building, Mr. Duvall said, then the County should have to pay for the lot.

Mr. Smith suggested that the applicant make application for a building permit, showing required setbacks, and have it turned down. Then, based on this, the Board can take action to remedy this. Right now there is not enough evidence to go on -- no indication has been given that the Zoning Administrator has turned it down.

Col. Wall described the events which took place during a rainstorm last August when his house came close to being flooded by water, and he did not want to see anything take place on this lot which might have any effect on his home. This is an engineering problem, he said, and he felt that there was a solution to it; this is dealing with a very critical tolerance of inches in elevation. The lot can probably be built upon but he would like to hear from the engineers before anything is done.

Mr. Smith asked Mr. Woodson to furnish the Board with information on the appraisal of this lot. How long has it been in the same ownership? Is there any record of building permits on this lot? Also there should be an application made for building permit showing proper setbacks. If this proves to be an unbuildable lot, the applicant should be adequately paid for the lot if he has to provide drainage for the area. Mr. Smith moved to defer to January 9. Seconded, Mr. Yeatman. Carried unanimously.

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LUCIE COUGNO - Deferred from November 28 for more information and to view.

Mrs. Henderson pointed out that the recent addition was Mrs. Cougno's living quarters. She is not supposed to be living in a C-D zone. She has room for about four cars in the front and one in the driveway.

Mr. Smith asked how long this has been in C-D zoning. Also, he said he would like to have Mrs. Cougno come in and explain how the addition got there. He moved to defer to January 23 for more information and for Mrs. Cougno to be present. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Hobson and Mr. Rodin presented decibel tests made on a Monday when the skeet and trap operation was closed. Mr. Paul Smith was not present with the results of his tests.

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Mr. Knowlton presented a copy of the site plan for CANTERBURY WOODS SWIM CLUB. If it meets requirements of the Staff and conditions set forth in the motion, Mr. Smith moved that the site plan be approved as shown. Seconded, Mr. Baker. Carried unanimously.

The meeting adjourned at 4:40 P.M.
By Betty Haines

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

January 15, 1968 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 A.M., on Tuesday, December 19, 1967. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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Mr. Smith opened the meeting with a prayer.

HUMBLE OIL & REFINING CO., application under Section 30-7.2.10.2 of the Ordinance, to permit erection and operation of a service station, located at NW intersection of Springhill Road and Old Dominion Drive, Dranesville District, (C-N), Map No. 20-4 ((1)) Parcels 1, 3 and 4, S-751-67

Mr. Hansbarger stated that a use permit had been granted for this location some years back, but not for the whole piece, however, it was for a smaller area. This tract has frontage on both Old Dominion and Springhill Roads, and will have a travel lane. There is a small store on the corner which they have been unable to purchase. It is non-conforming so eventually they may be able to purchase this land. The only use to be made of the entire tract will be a three bay ranch style station. The nearest station now is in McLean. There are no variances requested for the station. Land will be dedicated for the road, and the travel lane will be dedicated also, if the Board wishes.

This is a travel lane and not a service drive, Mr. Knowlton explained, and since the State Highway Department will not maintain a travel lane, they would not want it to be dedicated.

Stanley Sawmelle, President of the McLean Citizens Association, stated that applications for rezoning were pending on two other corners of this intersection for gasoline stations. The citizens fear the possibility of having a gasoline alley in this community. They are aware of the fact that they cannot object to an application on the basis that it is for a gas station, but they do request in this instance that the Board require all possible safeguards in the way of service roads, setbacks, plantings, etc., and that the Board not grant any variances.

There are no variances requested, Mrs. Henderson noted, and they will be required to screen on two sides because it is residential zoning.

In the application of Humble Oil & Refining Co., application under Sec. 30-7.2.10.2 of the Ordinance, to permit erection and operation of service station located at NW intersection of Springhill Road and Old Dominion Drive, Dranesville District, Mr. Smith moved that the application be approved with the following stipulations -- this is for a ranch style three bay service station, for service station use only; site plan will be required for this use; standard screening on the north and west sides where the land abuts RE-1 property; minor changes will be necessary in the travel lanes. A dedication of 40 ft. from center line along Springhill Road is recommended. The construction shall be in conformity with the motion and plats submitted and recommendations of the Planning Staff. Sign is to be placed within the required setbacks of property lines or street lines in accordance with the Ordinance, to be not more than 10 ft. -- amended to read "not over 8 sq. ft. oval sign"; all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DANIEL CLEMENTE & CHARLES E. TAYLOR, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to side property line than allowed, Lots 1, 2 and 3 and parcel 38, Butler's Addition to Fort Lyon Heights, Lee District, (C-D), Map No. 83-1, 1, 2 and 3, and Parcel 38, V-752-67

Mr. Hansbarger represented the applicant. This land was zoned to C-D within the past year, he explained, and at that time it was suggested that this might be developed as a small shopping center. This was mentioned as well as a service station. The present owner is willing to devote the entire parcel for a store and Safeway has entered into lease of the property provided they can get a variance. At the time of the Board of Supervisors hearing the Supervisor from that district expressed the hope that they would not put a service station there. The land slopes down toward Telegraph Road and North Kings Highway at a steep angle and in developing the property they will have to put a retaining wall along the side on which they are asking the variance. There are some advantages to this. The land next to it is zoned Residential but is in the Master Plan for multi-family uses. They have moved the traffic from the side which is residential and would use the building as the retaining wall for that area. If the building was moved over to comply with setbacks, because of the topography they would have a 16 ft. grade throwing traffic up next to the residential property and because of the topography, and also the fact that this is residential, the applicant feels that most of the activity should be directed away from that property. Safeway would be satisfied with the grade shown on the plat but could not use the grade on the other side. The front of the store would face Telegraph Road, with one exit on Telegraph Road and one on Lenore Lane.

The exposed facing of the store would be brick, Mr. Foreman stated, but they have not arrived at the final design for the store. They have not decided whether to put a curved roof or a flat roof on the store. The size of the building, 17,000 sq. ft., corresponds with the parking requirements.

Mr. Rozier, owner of Lot 10, stated that his property is 8 to 10 ft. higher than Telegraph Road. He wished to know to what extent excavation in back of his place would be done.

What kind of wall would be put in, and how far back and where will the entrance be, Mr. Rozier asked? How deep will they have to excavate? How high will the top of the building be?

Mr. Hansbarger stated that the highest point above grade level would be possibly 3 to 6 ft. depending upon how much excavation has to be done. Safeway is unwilling to go ahead with engineering studies until finding out whether or not the property can be used.

Mr. Foreman said it could be that the building would be entirely underneath the property line.

There should be some provisions for discouraging jumping or climbing onto the store, Mr. Smith said.

If the roof is level with Lots 9 and 10 there should definitely be a wall on the edge of the roof, or some kind of fence, Mrs. Henderson said. If this is granted, the Board should look at the site plan before further procedure.

Mr. Taylor, one of the applicants, stated that they had proposed the store as the retaining wall in the area, with a brick wall on top of that. They don't want the roof to be damaged either. They have proposed a decorative type of brick that would look good from the street and to people on the adjoining property.

Mr. Rozier stated that they have a swimming pool in the back yard which is used by children during the summer months and he would like to see if Safeway could change the driveway location.

Mr. Smith said the Board could put as a condition of the motion that suitable access be provided to the rear of the property so the children could still get up to the pool.

There will be a barrier at the end of the service drive at Lot 10; there could be steps put behind the barrier so that the children could get to the pool, Mr. Foreman stated.

Mr. Smith asked that the Board be granted an opportunity to look at the site plan before it is approved.

In the application of Daniel Clemente and Charles E. Taylor, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to side property line than allowed, Lots 1, 2 and 3, Parcel 38, Butler's Addition to Ft. Lyon Heights, Lee District, Mr. Smith moved that the application be approved as applied for with the following stipulations: site plan would be required and standard screening would be required where the lots abut the Ft. Lyon Heights Subdivision, except in cases where the retaining wall itself would be part of the screening, which means that the screening in all cases should be at least 6 ft., and the portion of the building which is to be part of the screening should be of brick and have a pleasing appearance. The applicant shall provide suitable access to the rear of Lot 10 in the form of steps or any other access agreeable to the owner. Access to the adjoining property to be worked out in connection with the site plan. Dedication along North Kings Highway as shown on the plat is a part of the granting. Prior to final approval of site plan Staff shall make the site plan available to the Board for review and final approval. Seconded, Mr. Barnes. Carried unanimously.

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PETER S. & DOROTHY SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 3.5 ft. from side property line, Lot 21, Section 1, Munson Hill Farm, 3331 Mansfield Rd., Mason District, (R-12.5), V-754-67

L. Farnum Johnson represented the applicant. Mr. and Mrs. Smith have lived at this address for about six years, he explained, and they wish to build a carport on the property, using the same style and design which prevails within the community. They discussed this with him about a year ago, Mr. Johnson continued, and at that time there was an amendment under consideration which they felt might solve their problem, however, the amendment still did not solve it. The Smiths wish to continue living here and wish to improve their property. They have discussed their plans with people in the community and have circulated a petition among the neighbors. No one has voiced any objection to the request. They could build a garage 12 ft. behind their house, 2 ft. from the side and rear property lines, but he would prefer not to do this as the neighbors in the area have so far retained their back yards free of any construction.

All the other houses had room for carports, Mrs. Henderson said, and to the best of her knowledge, there are no other variances in the subdivision. Granting this would leave no grounds for denying the neighbors a variance. A 10 ft. carport would require a variance also.

No opposition.

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December 19, 1967

PETER S. AND DOROTHY SMITH -- Ctd.

Mr. Yeatman moved to defer decision to January 23, to allow Board members to view the property. Seconded, Mr. Baker. The Zoning Administrator should furnish the Board with a plat of the area showing width and size of lots. Carried unanimously.

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DR. HERBERT AND LILLIE NAGIN, application under Section 30-7.2.10.5.2 of the Ordinance, to permit operation of animal hospital, 6601 Arlington Blvd., Mason District, (C-G) Map No. 51-3, ((1)), Parcel 37, S-755-67

Mrs. Smith of Brown & Brown Realty, and Dr. Nagin were present.

Mrs. Smith stated that Dr. Nagin wishes to renovate the old gasoline station on the property for an animal hospital.

The building is non-conforming in setback, Mrs. Henderson said, and the applicant has not requested any variances. The gas station could stay there because it is a non-conforming use but in order to change the use, the building should be redesigned to meet setbacks. This is shown as being 12 ft. from Old Wilson Boulevard and if it is a dedicated road, the building should be 50 ft. from that.

Mrs. Henderson felt that the application would have to be readvertised including the variances. If Old Wilson Boulevard is not vacated, perhaps Dr. Nagin would want to look into having it vacated. She also questioned the address of the property, and added that the posting signs had been put across from the Three Chefs Restaurant. The applicant should file another application for variances, the case should be re-advertised and reposted for another hearing, she said.

Dr. Nagin stated that the old station is an eyesore at present; he plans to spend quite a bit of money in remodeling and the situation would be greatly improved.

Mr. Yeatman moved to defer the application to February 13. Seconded, Mr. Barnes. Carried unanimously. The application will have to be reworded, readvertised, reposted, and the people should be renotified.

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HERBERT AND JOSEPH B. LATSHAW, application under Sec. 30-6.6 of the Ordinance, to permit erection of restaurant closer to front property line and closer to rear property line than allowed, north side of Rt. 236, approx. 600 ft. west of Beauregard St., Mason District (C-N) Map No. 72-4 ((1)), Parcel 9, V-756-67

Mr. Smith recalled that there was pending before the Board a request from Mr. Herbert Morgan for an extension of a use permit on the same piece of property and some action should be taken on that request before acting on this one.

A letter was read from Mr. Morgan withdrawing his request for extension. Mr. Smith moved that the application be allowed to be withdrawn. Seconded, Mr. Barnes. Carried unanimously.

Mr. Reeves represented the contract owner of the property -- Lum's Restaurant. Lum's is a franchised restaurant, based in Miami and located throughout the world, he explained. They have several applications in the County for these restaurants and have started construction on one in Falls Church. Mr. Hyer, architect for Lum's, almost had to redesign the building for them in Falls Church. The Big H Corporation, a Virginia corporation, are the developers of the property and will lease to Lum's.

Mr. Yeatman recalled that there had been an application for a pizza carry-out on this property at one time and the owners of the apartments next door objected because of the odors that would come from this establishment. He felt that they should be notified of the applicant's plans before the Board takes any action.

Mr. Hyer, architect, stated that they would only serve french fries, hot dogs, and beer and there would be no odors as from a McDonalds or similar operation. Lum's is a family type restaurant.

Mrs. Henderson said she didn't see much sense in discussing the type of restaurant Lum's is, because if they could meet setbacks they could go in by right. She suggested moving the building as close to the Shell station as the office building was.

To move the building over would close off 2/3 of the entrances to this establishment, Mr. Hyer said.

No opposition.

Mr. Barnes moved to defer to February 13 - deferred for decision only. An earlier decision may be made providing the applicant can provide proper plats to the Board, possibly January 23 if plats are in showing the building moved over and the variance reduced to a minimum. Seconded, Mr. Yeatman. Carried unanimously. (Apartment owners to be notified of the hearing.)

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December 19, 1967

ROBERT C. MARTIN, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10.8 ft. from side property line, 3413 Executive Ave., Lot 13A Block G, Sec. 1A, Holmes Run Acres, Falls Church District, (R-12.5), V-757-67

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Mr. Martin stated that he has owned the property for approximately 1 1/2 years and his single source of dissatisfaction has been the small dining area, approximately 6 ft. square. This area also is the entry to the house. He would like to enclose the carport to make adequate dining space, and use the existing dining room as the entry to the house. The plats show one distance, but in measuring it off, the distance from the line is 11 ft. 3 in. An earlier plat shows 10.8 ft. from the line. The 1953 plat is correct but the office would not accept it with the application because it did not show the carport.

No opposition.

In the application of Robert C. Martin, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10.8 ft. from side property line, 3413 Executive Avenue, Lot 13A, Block C, Section 1A, Holmes Run Acres, Falls Church District, Mr. Yeatman moved that the application be approved, assuming that there is no building beyond the roof line of the present structure or beyond the posts that are there now. If there is any change in the construction or any additional construction, that the granting be void. Seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES

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, Hayfield Road to Gum Springs, Lee District, (RE-1), Map 91-3, 101-1, 2 S-740-67 (deferred from Nov. 28)

Mr. Randolph W. Church, Jr., pointed out the location of the proposed line and stated that on November 22, 1966 the Board granted a special permit for a substation at Gum Springs where the power will be stepped down and distributed to the various business and home owners. That substation is under construction.

Mr. R. W. Carroll gave the following report:

"The Power Company is requesting in this application a special use permit to construct, operate, and maintain a 230 KV transmission line to supply electricity to the Gum Springs Substation.

The line is to be located along the route shown in red and white tape on "Exhibit #1," which is the Fairfax County map showing VEPCO's present transmission facilities in this area. The present 230 KV transmission lines are shown in green and white tape.

The proposed transmission line will connect Gum Springs Substation with the 230 KV facilities near Hayfield Substation. In 1966 the Planning Commission approved and the Board of Zoning Appeals granted a special use permit for the Gum Springs Substation. At that time the need for the line now under consideration was brought to the Board's attention and "Exhibit #1" or something similar was shown to the Board for information purposes. Two sources of electricity are available at Hayfield: electric energy generated at Possom Point Power Station in Prince William County can be tapped, or electricity can be supplied from other generating stations on our system by way of Ox Switching Station in Fairfax County. These alternate sources of electricity will provide reliability of electric service.

The need of electricity in the area to be served from Gum Springs Substation had increased at a normal rate for residential growth prior to 1960; but since that time, development in the area of U. S. Route 1 has caused it to grow much more rapidly. The electric requirements of the area were 16,000 KVA in 1960; in 1965 the load had more than doubled to 34,000 KVA. Studies have projected for 1968 a requirement of 74,000 KVA, and we believe this to be a conservative figure.

This area is presently supplied electricity by three 34.5 KV feeders. The origin of these lines is remote from the area, and the lines supply additional load outside of this area. A study of each of these lines indicates that, because of the growth I have mentioned, two of the lines are overloaded, and in 1968 the third will be overloaded. A number of major projects requiring 10,000 KVA are under construction or are planned, and all types of other customers are contributing to this rapid growth rate. Without new facilities to accommodate this growth, a serious danger of power failures in this area could develop.

The construction of the proposed 230 KV transmission line will supply power to the Gum Springs Substation and provide reliable electric service for the present needs of the area as well as reasonable future electric requirements.

Exhibits #1 and #2 indicate the proposed route of the transmission line which will be approximately 4.35 miles in length. About one mile of the route will be through Natural Resource Zone and an additional two miles will be through

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property owned by the United States Government. Negotiations for the portion of the line crossing Government property have been in process for many months, and it appears that permission for the route sought will be granted in time to meet the pressing deadline for construction of these facilities early next year. VEPCO cannot, of course, acquire property from the Government by condemnation.

Property in the area south of Telegraph Road, which was owned by Carl Freeman at the time negotiations for right of way began, has since been acquired by Wills and Van Metre, Inc., and subdivision plats have been recorded. In this area the Company has located along the owner's property line.

Across private property the line, if approved, will be supported by the usual type of 230 KV double circuit steel towers. A drawing of the typical basic tower is shown on Exhibit 3. The average height of the towers will be less than 120 ft.

The transmission line if designed and, if approved, will be built to meet or exceed the requirements of the National Electrical Safety Code. It will create no new traffic which might be hazardous or inconvenient to the area. It will not cause any noise, vibration or any interference with electronic equipment."

Do you have all the right of way through all the private properties, Mr. Yeatman asked?

No, there are three cases in condemnation at the present time, Mr. Carroll stated, and the attorneys conceded last week that an emergency existed, and made all the usual findings with respect to necessity.

The easement is 120 ft. wide over most of the private property; it is 100 ft. on Wills and Van Meter's property because adjacent to it is an existing distribution line, Mr. Church explained. The easement is more than 120 ft. on Government property but from the right of way line to the center line of the structure will be 60 ft. On the Government property there will not be double steel circuit towers, but wood pole type structures to reduce the height of the structures at the request of the Federal Government. 128 ft. will be the maximum height of any tower, with 120 ft. average for steel towers, and 47 ft. for the wooden structures.

Mr. McKenzie Downs submitted his report concluding that the line would be in keeping with the Comprehensive Plan of Development for Fairfax County as set forth in the Ordinance.

Mr. Fred Keller of Virginia Concrete Company stated that they are owners of part of the land through which VEPCO proposes to run the line. They are not opposed to the application but are concerned about the particular location which they have chosen. VEPCO has been requested to meet with Virginia Concrete to see if they can resolve some of the differences, however, no meetings have been arranged to date. Virginia Concrete owns approximately 300 acres in the area with very limited frontage on public roads. From an esthetic viewpoint, since this is residential land, any power lines would have an adverse effect. Mr. Keller presented three drawings showing three different routes for the power line which he said he felt were better than what is proposed by the applicant.

Since this matter is in court based specifically on this particular route, Mr. Smith felt that the Board should stick with this route -- to alter it at this point could very well alter the suit to some degree.

Mrs. Henderson stated that she did not like route "C" presented by Mr. Keller. "A" and "B" might be all right but she would like to rule out "C", she said.

Any of the three alternate routes would be acceptable to them, Mr. Keller said.

Mr. Church explained that there had been negotiations before the suit was filed, with Mr. Keller pressing for Route "C". No other routes were suggested prior to the hearing today. He had talked with the School Board and they don't like Mr. Keller's proposed Route "C". After seeing Plans "A" and "B", he said neither he nor Mr. Carroll were in a position to say that some agreement could not be worked out with either of those routes.

Mrs. Henderson read the Planning Commission's recommendation for approval of the application.

In 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, Mr. Smith moved that the application be approved as applied for and as outlined by Mr. Carroll's report, and as stipulated by the applicant's attorney; that the portion of the line proposed to cross Virginia Concrete property be left flexible to a degree that through mutual negotiation by VEPCO and Virginia Concrete, or through court

action, if the route of the line is changed as outlined in "A" or "B" on the partial plat submitted by the agent of Virginia Concrete, the Board would allow the change to take place. All other provisions, Federal, State and County Codes be met in relation to the application. If there is a change in the route, new plats shall be submitted showing the new route crossing this property. 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 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 (deferred from November 21.)

Mr. Young stated that he had restudied the problems and felt that his proposal was the best solution for this very rough and wooded parcel resulting in less density than the cluster plan.

One of the greatest concerns of the Board was, is this going to happen again? This situation is rare to start with, Mr. Knowlton said, and this is an unusual case.

In 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, A-2, and B-1, Mary Edelin property, Providence District, Mr. Yeatman moved that the application be granted in accordance with plats submitted, dated April 26, 1967, revised April 28 and September 6, 1967. Seconded, Mr. Baker. Carried unanimously. This is an unusual situation where there is a large parcel of land with such a small frontage on the highway and this is to provide some traffic flexibility and access to a portion of the land. The Staff apparently feels that this is the best possible arrangement in order to allow this to remain in low density development.

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MR. AND 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, (deferred from November 28)

Mrs. Henderson stated that she had viewed the property and there is no alternate location for a carport because of the rise in the back yard. Every other house has a carport and there should be some relief granted in this case, however, she said she felt that the size of the carport could be cut down some, even though there is a chimney there.

In the application of Mr. and 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, Sec. 2, Tall Oaks, Mason District, 5010 Dodson Drive, Mr. Smith moved that the application be granted in part to allow an 11 ft. carport 9.7 ft. from side property line (outside of the posts must be set at 9.7 ft. from property line); it has been pointed out that there are topographic problems connected with this lot and only about two houses in the entire subdivision are without some form of shelter for the family car. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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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 58-4, V-732-67 (deferred from December 5)

Mr. Roy Swayze located the property and reviewed the events which have taken place since Mr. Moore purchased the property and discovered that a water problem exists.

Mrs. Henderson stated that she felt the request to cover the entire slab was asking too much of the Board. Mr. Moore could knock out one slab or have a wall along the side of the carport to divert the water.

Mr. Moore would run into problems if he tried to cut the slab, Mr. Swayze said. All of the people in the subdivision signed a petition in favor of Mr. Moore's request.

This is a corner lot and without the corner lot restrictions he would be allowed to have an 18 ft. carport, Mr. Smith commented. This is an unusual situation -- the applicant has plenty of land but due to the placement of the house he cannot utilize it to his fullest.

There is an alternate location for a carport or garage, Mrs. Henderson reminded the Board, and Mr. Moore states that he only wishes to solve his water problems, not just to have a carport.

ROBERT L. MOORE - Ctd.

The variance which Mr. Moore is seeking is one which he could not justify granting, Mr. Smith said, but in all fairness to the applicant, he thought some consideration should be given. The layout of the house on the property is very poor, and there is a topographic problem from a water standpoint. In order to give the applicant some protection which he understands will alleviate the water problem, the Board should allow him to construct a cover, setting the posts 15 ft. from the house and meeting the rear setback requirements, and with a 3 ft. overhang this would give 18 ft. of protection. The applicant has stated that he wants this basically for coverage and not for storage of automobiles and it is understood that he cannot at any time enclose or utilize it for anything other than cover for his automobiles.

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In the application of Robert L. Moore, application under Section 30-6.6 of the Ordinance, to permit erection of carport 30.44 ft. of street property line, 3900 Prince William Drive and Okla Drive, Providence District, Lot 16, Block 2, Westchester Subdivision, Mr. Smith moved that the application be granted in part -- that the applicant be allowed to construct a coverage area, posts to be set 15 ft. from the existing house and meeting all requirements as to construction. This is on a corner lot and this is an unusual situation. This coverage would alleviate the existing topographic water problem which Mr. Moore has now in connection with his lot. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt the variance was too great, but added that she hoped it would solve the problem.

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Dr. Herbert and Lillie Nagin - The applicant requested that the date of deferral be changed from February 13 to January 23. The Board agreed to hear the application on January 23 provided that the new application had been filed for variances, the property reposted and readvertised for hearing, with the correct address. No more cases will be taken for the Agenda for January 23.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Skeet and Trap shooting range -

Mrs. Henderson stated that she had received a letter from Mr. Massey regarding this facility and had sent her reply as follows:

"December 14, 1967

Mr. Carlton C. Massey
County Executive
Fairfax Courthouse
Fairfax, Virginia

Dear Mr. Massey:

This will acknowledge receipt of your letter of December 8, 1967 regarding citizen complaints to the Board of County Supervisors relative to the Bull Run Trap and Skeet Club.

The Board of Zoning Appeals is very aware of these complaints, having talked with Mr. Paul Smith several times since the operation commenced. I have personally visited Mr. Smith's house and listened up and down Compton Road for the noise complained of. Mr. Smith said the wind was not blowing from the right direction the day I was there.

In addition, on November 21, the Board of Zoning Appeals proposed that two decibel tests be made during the following two weeks -- one to be paid for by the Gun Club or the Park Authority and conducted on a Monday when there is no activity at the club; the other, because he had so volunteered, to be paid for by Mr. Paul Smith on a day of his choosing. The Gun Club presented its decibel test report on December 5. To date, we have not heard again from Mr. Smith, but we await his decibel test in order to have some basis for comparison and before deciding whether further action should be taken regarding these complaints.

Sincerely yours,

(S) Mary K. Henderson, Chairman
Board of Zoning Appeals"

Mr. Paul Smith telephoned her last night, Mrs. Henderson continued, to say that he had had two tests made but did not like them. They had not been done on the same cycles as Mr. Rodin's tests, he said, and the company had promised to run another test at no cost to him. This will be done by January 9. The Board agreed to hear the results of these tests on January 9.

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December 19, 1967

CITIES SERVICE OIL COMPANY, southwest corner Leesburg Pike and Old Leesburg Road, Dranesville District - Request for extension of permit granted November 1, 1966.

In accordance with adopted Board policy on non-renewal of permits which have expired, Mr. Smith moved that the Board deny the request for extension. Any request for extension should have been made prior to November 1, 1967. Seconded, Mr. Barnes. Carried unanimously.

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MOOSE LODGE - Scoville Street - Mrs. Henderson stated that the Moose Lodge had started paving their parking lot from Scoville Street instead of from the other end. Since the parking lot is supposed to be paved before opening onto Scoville, she had called Mr. Leathers, and he had barricades put up.

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Letter from John C. Jones requested that the Board view his fence before the hearing of February 27.

Mr. Woodson noted that the fence company would be given a copy of the fence Ordinance when they come back to the County for renewal of their license.

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The meeting adjourned at 2:55 P.M.
By Betty Haines

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

January 15, 1968 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, January 9, 1968 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.

First order of business - election of Chairman and Vice-Chairman for 1968:

Since the Board has operated for a number of years very efficiently under the present Chairman's leadership, and because she has devoted far more time than the average individual in the County would have to devote toward Board business, Mr. Smith moved that Mrs. Henderson be re-elected Chairman of the Board. Seconded by Mr. Barnes who added that he felt that Mrs. Henderson has done a wonderful job over the years. Mr. Baker moved that nominations be closed. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Barnes nominated Mr. Smith as Vice-Chairman for 1968. Seconded, Mr. Yeatman. Mr. Baker moved that nominations be closed; seconded, Mr. Yeatman. Carried unanimously.

Mrs. Henderson expressed her appreciation for the Board's continued confidence in the Chairmanship, and pledged herself to work harder than ever with the rest of the County Government in making the new Urban Plan a success.

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IRVING W. & PAULINE M. STANTON, application under Section 30-6.6 of the Ordinance, to permit construction of small building 32' x 47' containing 2500 sq. ft. on State right of way line, on east side of Backlick Road approx. 300 ft. south of Franconia Road, Mason District, (C-N), Map No. 90-2 ((1)) 34, V-761-68

Mr. Hazel stated that this property was the subject of an application by Virginia Dynamics heard by the Board very recently, and denied. He reviewed the events which have taken place over the years resulting in the sale of some of the Stanton's property to the Highway Department for an access to the rear property. The Stantons were left with a desirably located parcel of ground in the center of commercial development. The proposal presented to the Board in the fall by Virginia Dynamics was for a 4,000 sq. ft. building with 20 parking spaces. After the Board's comments and denial in the fall, the Stantons and Mr. Harrison revised the entire project and found this proposal more acceptable. This is a hard parcel to develop. The property is unimproved at the present time and juts out into Backlick Road, making a constriction at this point. If this application is granted, the front of the property would be improved and Backlick Road would be improved. It appears that this would be the best use for this location. The present proposal is for a two story structure, total of 2400 sq. ft., with no in-building parking. Only ten parking spaces would be required, with a possibility of two additional cars parking in the front of the building. Every effort would be made to retain the very large oak tree in front of the property.

Mrs. Henderson said she felt this was the same request as made by Virginia Dynamics even if the square footage has been reduced. Perhaps this parcel could be combined with adjoining property -- how can this Board justify granting a building which would take up the whole setback?

Mr. Smith also felt that the application was the same as the previous one and should have waited the required time limit before reapplying. Has anyone looked into the possibility of putting a cantilevered building on the property, he asked?

The architect stated that a cantilevered building would be too expensive.

Opposition: Mr. Lynch stated that he did not consider this a hardship case because the applicants were paid by the Highway Department damages to the remainder of the lot. Traffic is already heavy along this property and this would add to the congestion, he said.

The man is paying taxes on the property and should be allowed a reasonable use of it, Mr. Smith said. If this were your property, Mr. Lynch, what would you do with it, he asked?

I would try to sell to the adjoining property owner, he replied.

But if the adjoining property owner does not buy it, then it seems the only solution would be to remove it from the tax rolls, Mr. Smith said.

Mrs. Henderson noted that the property is being taxed every year in excess of $130 and this could quickly eat up any damages paid by the Highway Department. It is being taxed as commercial property and was zoned C-N subsequent to the road being cut through.

Mr. Smith questioned whether the Board would have authority to grant a variance when there is no usable land available.

Mr. Hazel suggested that the Board allow the applicant an opportunity to have thirty days

in which to investigate a cantilevering proposal.

Mr. Smith moved that the application be deferred to February 13 and that Mr. Woodson get a record of taxes that have been paid since settlement with the Highway Department, and a written statement from the County regarding land which cannot be used but is taxed. Seconded, Mr. Barnes. Carried unanimously.

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JAMES N. MALEADY, application under Section 30-6.6 of the Ordinance, to permit erection of a carport and shed 4 ft. from side property line, Lot 96, Section 5, Hollin Hills, (2105 Popkins Lane), Mt. Vernon District, (R-17), Map No. 93-3, V-760-68

Mr. Maleady stated that he wished to construct a carport over his existing driveway. He felt that it would be impossible to relocate the driveway without seriously affecting the esthetics of his home. To locate it on either side of the house would put the carport in front of his living room; to put it behind the house would destroy the only living area outdoors and would necessitate "bucking the grades" on the property. He did not wish to put it in his back yard as the carport would be directly in view of Mrs. Miller's house.

If there is an alternate location, the Board has no authority to grant a variance, Mrs. Henderson stated. Mr. Maleady is not being deprived of a reasonable use of his land.

Mr. Maleady said he had lived in the house for five years and did not wish to take part of his land which he considered ideal for his children's play and devote it to a carport.

In all fairness to the applicant, Mr. Smith said, the Board should take a look at the property. He moved that the Board defer decision to view the property since there is no opposition, and request the Zoning Administrator to ascertain the number of homes in the immediate subdivision with carports. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES Z. KAUFMAN, application under Section 30-6.6 of the Ordinance, to permit division of property with less area than allowed on Lot 45A, Woodland Park Subdivision, on Woodland Lane (#889), Mt. Vernon District, (RE 0.5), Map No. 101-4 ((12)) 45A, V-759-68

Mr. Kaufman stated that he wished to rearrange the boundaries of the two lots, moving the smaller one away from the open drainage ditch.

Why not build one house on both lots, Mrs. Henderson asked?

Mr. Kaufman replied that this would be out of keeping with the character of the area, and the loan would be difficult to obtain. He only wishes to reverse the square footage of the two lots, he explained.

Mr. Wilburn stated that Mr. Kaufman wishes to turn the two lots around in order to build the house farther away from the stream. The lot is wooded now and in order to build the house he would have to relocate the stream and regrade the property.

Mr. Kaufman said that he would build $25,000 three-bedroom homes. All utilities are available.

Mr. Smith stated that Mr. Kaufman should be asked to provide an easement for widening of the roadway.

Rather than an outright dedication, Mr. Wilburn asked if the Board would consider an easement for public street purposes? There is no other lot in the area which has made a dedication or provided an easement and to dedicate would further reduce the areas of these lots.

Mr. Knowlton said that would be satisfactory.

No opposition.

Mr. Smith moved that the application of Charles Z. Kaufman, application under Section 30-6.6 of the Ordinance, to permit division of property with less area than allowed on Lot 45A, Woodland Park Subdivision, on Woodland Lane (#889), Mt. Vernon District, be approved as applied for and that the applicant grant an easement from the center line of existing Woodland Lane to make this a 45 ft. road, but that construction not be required. Seconded, Mr. Barnes. Carried unanimously.

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ALGER CONSTRUCTION COMPANY, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 49.3 ft. of street property line, Lot 16, Section 7, Mantua Hills, 3818 Prince William Drive at the corner of Leamington Court,

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ALGER CONSTRUCTION COMPANY - Ctd.

Providence District, (RE 0.5), Map No. 58-4, V-762-68

Mr. Roger Sanders stated that a site grading plan was used by the engineers showing certain types of dwellings for each lot owned by Alger Construction Company. Unknown to the engineers who were working from this plan, considerable fill was extracted from Lot 16 and when the site inspection was conducted, no consideration was given to the type of home to be constructed on this lot. After the inspection, the engineers decided that a different type of house would be more suitable for the lot. The home originally planned had a width of 26 ft.; the one now on the property is approximately 2 ft. 4 in. wider.

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No opposition.

In the application of Alger Construction Company, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 49.3 ft. of street property line, Lot 16, Section 7, Mantua Hills, 3818 Prince William Drive at the corner of Leamington Court, Providence District, Mr. Yeatman moved that the application be approved as applied for as he was convinced that this was an honest error resulting from lack of communication between the builder and the engineer. Seconded, Mr. Baker. Carried unanimously.

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MARION WEICKHARDT, application under Section 30-6.6 of the Ordinance, to permit construction of garage 17.98 ft. of side property line, 5225 Burke Drive, Lot 39, Block E, Mt. Vernon Terrace, Mt. Vernon District (RE 0.5), Map No. 109, V-763-68

Mr. Hunter Bourne, attorney, represented the applicant. This is an application for a variance to accommodate a garage in the front of the house in accordance with the architect's design that the property owners initially contemplated for the property, he explained.

It appears that there have already been two variances granted, Mrs. Henderson said, one in 1951 under the same name and one for Mr. Mizelle, the next door neighbor.

Mr. Bourne said there had been a variance on Lot 40 and the owners of that lot have no objection to Mr. Weickhardt's request.

Mrs. Henderson suggested cutting down on the size of the garage so it could be built by right.

A one car garage is considered a reasonable request, Mr. Smith said, and the applicant can have that by right. How can the Board justify granting a two-car garage? However, one of the things this Board should take into consideration is that these people have owned the house since it was constructed and at that time they could have constructed this garage by right, and if it was planned when the house was constructed, this would make a difference in his thinking.

Mr. Richards, living about three doors from the Weickhardts, stated that the lots were difficult to build on -- they are not rectangular. As he recalled, there was no objection in the neighborhood to Mr. Mizelle's request for a variance. The slab was poured in 1951 for the carport.

Mr. Mizelle stated that at the time he requested his variance, the Weickhardts were not opposed. They did request that he maintain the front setback of their house about 75 ft. from the front property line. Mr. Mizelle said they went along with that at the time not realizing that this was creating a hardship on them by setting the house back that far and not being able to get into the sewerage. They had to change to 5 in. cast iron line which just made it into the sewer line for proper fall. The road in front of these two houses curves at this particular point and construction of a garage would block off the view of the street from the Mizelle home. There is already a shed on the Weickhardt property which is less than 25 ft. from the front property line and is in violation, as well as a porch on the back which was built without being issued a permit.

Mr. Weickhardt can have a garage in this location, Mr. Smith said. The only difference is that he is requesting a 2 ft. variance on the side yard.

Mr. Mizelle stated that he was required to set back 75 ft. in order to get approval of a variance, but Mr. Weickhardt is taking the opposite stand.

The 2 ft. which Mr. Weickhardt is requesting would have no effect on sight distance, Mr. Smith said. In the older subdivisions where the homes have remained in the same ownership for the entire period of time and there were plans at the time of construction for additions which could have been built then without a variance, some consideration should be given.

He has been a builder for the past eleven years and is aware of the methods in which the County requires builders to exercise their judgment, Mr. Mizelle stated, and he felt that the same rules should apply to individuals as to builders and no building should be allowed to be constructed without a permit.

MARION WEICKHARDT - Ctd.

If any portion of the building were constructed without a permit, this comes under the Building Inspector and Zoning Administrator, Mr. Smith said, and the porch is not the question before the Board. He could have constructed that any time prior to 1959. How did the shed get in the front setback, he asked Mr. Weickhardt?

It was built in 1947 and was the first structure in Mt. Vernon Terrace, Mr. Weickhardt replied; he used it to store his tools and lawn mower. If the garage is built he will not need the shed and it could be removed.

Mr. Baker moved that the application of Marion Weickhardt, application under Section 30-6.6 of the Ordinance, to permit construction of garage 17.98 ft. of side property line, 5225 Burke Drive, Lot 39, Block E, Mt. Vernon Terrace, Mt. Vernon District, be approved as applied for. Seconded, Mr. Yeatman. Mr. Smith said he would vote favorably on the motion if it is amended to include removal of the shed as a condition for granting the variance. Messrs. Baker and Yeatman accepted the amendment. Within 30 days after completion of construction of garage, or 13 months from this date, the shed will be removed. (If the garage is constructed in 60 days, for example, the shed is to be removed in 90 days.) Carried unanimously.

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ALVINE I. BETHUNE, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, Lot 33, Sec. 1, Brookfield, 4018 Mapleton Drive, Centreville District, (R-12.5) Map No. 44, S-758-68

Mrs. Bethune stated that she works as a hairdresser at a shop in Kamp Washington and would like to have a small shop in her home so that she would not have to travel this distance to work each day. The shop would serve only the people in the community. She has lived in the house for almost two years. The adjoining neighbors and those across the street are in favor of the application.

Mrs. Henderson reminded Mrs. Bethune that there could be no advertising in the telephone book or newspapers, and no outside signs. Customers could not park in the driveway or on the street.

Mrs. Bethune said she would be closed on Sundays and Tuesdays and would be open from 9 a.m. to 8:30 p.m., five days a week. A car could park in the carport if necessary.

Opposition:

Mr. Ray Long represented the Brookfield Civic Association, opposed to granting any variances in the community. He read a letter from the Association with a number of signatures attached, and letters from three residents of Mapleton Drive in opposition. (Letters on file in folder for this case.)

This is not a change of zoning, Mr. Smith explained, and perhaps the citizens are confused about what is really planned by the applicant. This is a home occupation which is allowed under special permit in a home by the occupant of the home only. They are not allowed to have any signs or advertising. These applications are only granted for the convenience of citizens in the area.

Mrs. Henderson read a letter from Mr. B. J. Mahoney, adjoining property owner, stating that he had signed a paper submitted to him by the applicant in which he signified that he had no objection to her being granted a permit to use her premises for the purpose of a single operator beauty establishment. He still registered no objection to the use as originally described by the applicant, however, he was vigorously opposed to a sign of any description being used for the purpose of advertising or identification.

Mr. William Wade, resident of Brookfield for over a year, spoke in opposition.

Mrs. Henderson suggested that Mrs. Bethune get together with the citizens association and explain what she plans to do; sometimes people fear what is going there without knowing the plans but if she could explain it, there might be a change of attitude. She said she was not willing to impose such a use as this which is not wanted by the people.

Mr. Long invited Mrs. Bethune to come in to their Tuesday night meeting.

Mr. Hannagan, member of the Citizens Association, stated that there is a shopping center planned for the area and should be completed in about eight months. He agreed that it would be a good idea to have Mrs. Bethune come to a meeting and explain her plans to the citizens, and asked if anyone could open a barbershop as a home occupation.

Mr. Smith replied that to his knowledge there had never been a request for one but it would be possible. He moved to defer to February 13; seconded, Mr. Barnes. Carried unanimously.

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January 9, 1968

PARKLAWN RECREATION ASSOCIATION, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to equipment building, Parcel C, Block T, Section 3, Parklawn, at the end of Crater Place, Mason District (R-12.5) Map No. 72-2, S-764-68

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Mr. Hauser stated that they would like an addition to house the pump for a new filter system. Maximum membership allowed is 325 and they have about 300 full active memberships at present. Their permit was originally granted in 1957 on 14 acres.

Mr. Knowlton noted that the parking lot is not paved.

They put gravel on it last year, Mr. Hauser said, but some of it has washed away.

Something should be done to make it dustfree, Mr. Smith said. If the Board were to have a complaint about dust in connection with the operation the permit would be in jeopardy.

"Dustfree" is defined as paving in the Code, Mr. Knowlton stated, and would not apply unless this came under site plan.

Perhaps the site plan could be waived with certain restrictions, Mr. Smith suggested. Perhaps the Staff should give some thought to taking a look at the parking lot and make recommendations if there is any problem of dust.

The Staff has had a request for waiver of site plan, Mr. Knowlton stated, but they are holding it until action is taken by the Board of Zoning Appeals in order to get some feeling as to what to put in their recommendation.

Mr. Smith said he would have no objection to waiver of the major portion of the site plan other than parking.

No opposition.

In the application of Parklawn Recreation Association, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to equipment building, Parcel C, Block T, Section 3, Parklawn, at the end of Crater Place, Mason District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted; that site plan requirements be left to the Staff's discretion -- if the site plan could be waived in its entirety without any hazardous effects on any area, that they so recommend, or if they see fit to recommend paving of the parking lot or other areas that they make this a condition of the waiver. It is understood that all conditions pertaining to the original granting will still pertain. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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TUCKAHOE RECREATION CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of additional swimming pool, addition to existing bath house and tennis courts, 1814 Great Falls Street, Dranesville District (R-12.5), Map No. 40-2, 40-1, S-766-68

Mr. John Corthill from the architect's office and Mr. Brand, President of the Club, were present. The Club was founded in 1955, Mr. Corthill stated, mainly by people from Arlington County who went out into an undeveloped area and established it on 7+ acres of land. The area has been developed surrounding the site and through the years the membership has changed.

Mr. Brand stated that the parking lot is partially paved and part gravel, and the gravel section has grown up in weeds because there has not been enough use of it to keep it clear. The original plat showed parking for 210 cars including parking up to the edge of the property on the north side. They have set the parking back now and are not taking advantage of that. They have also attempted to place lanes for the cars to park to make it more orderly.

Mrs. Henderson noted that at the time of the original granting no limitation was placed on the membership. It was granted to a non-profit corporation only, February 1955. Site plan will be required for this application because it is a completely new pool.

How many people will the Health Department allow in the pool, Mr. Smith asked?

Mr. Brand said he did not recall the figure but they would abide by Health Department requirements. During swim meets the other pool would be closed.

To start with the Club will have to find ten more parking spaces, Mrs. Henderson said. The Board, over ten years ago, saw fit to impose 210 parking spaces requirement on this facility. The Board has been using a 1-3 ratio on parking and this would mean 266 parking spaces; perhaps this might be reduced to 230.

If this number of spaces proves to be inadequate, Mr. Smith said, there should be room for additional parking or the membership would have to be reduced.

(For the record, Mrs. Henderson stated that the Health Department requires 27 sq. ft. of water for each person in the pool and on the deck.)

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TUCKAHOE RECREATION CLUB, INC. - Ctd.

No opposition.

Mr. Baker moved to defer to February 13 for new plats showing 260 parking spaces of which 230 would be developed now. After consultation with the Staff, perhaps some arrangement could be made to allow some small car parking spaces. Seconded, Mr. Smith. Carried unanimously.

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FREEDOM PARK, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of bath house, end of Hull & Byrd Roads, adjacent to Villa Loring, Providence District, Map 39-1, (RE-1), S-770-68

Mr. Clement represented the applicant since Mr. Whytock had to leave the meeting in order to keep another appointment.

The old bath house is about eleven years old and requires considerable maintenance, Mr. Clement explained, and they would like to build a new one. They had planned to build it up on the hill but found that it would require $10,000 worth of foundation and fill work so they chose the location shown on the plat.

Mr. Smith commented that the bath house should be 25 ft. off the property line instead of 20 ft. as shown on the plat.

No opposition.

In the application of Freedom Park, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of bath house, end of Hull and Byrd Roads, adjacent to Villa Loring, Providence District, Map 39-1, Mr. Smith moved that the application be approved in conformity with the plat submitted providing bath house would meet setback requirements of 25 ft. from property line; that parking meet the setback requirements of 25 ft. It is understood that this is necessary due to the fact that the existing bath house has been outmoded and no longer meets Health standards. All other provisions of the original granting still pertain. Site plan comes under the Staff and the Staff will be responsible for enforcing any and all of the site plan ordinance that they see fit under the application. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

RICHMARR CONSTRUCTION CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage lagoon, off Guinea Road (#657), Kings Park West, Falls Church District, Map 69-3 ((1)) Par. 8, (R-17) S-504-67 (deferred from January 10, 1967)

Mr. John T. Hazel, Jr., represented the applicant. The application was deferred from January 1967, he said, to see if it would be necessary to have this lagoon. It has become necessary and that is why he is back. There is some urgency to this application. They have 100 homes now on the lagoon. The first lagoon was constructed for 108 families. The addition was requested for 253 families, requiring approval of the Water Control Board which has been obtained. On the west edge of the lagoon is a pumping station and the liquid effluent that rises to the surface of the lagoon is disposed of in three different methods, either pumped into the existing sanitary field, or drawn off in a truck by the Sanitation Division, or sprayed off by a portable pump. The spraying process is not the most desirable thing in the world, and the two neighbors are present and are concerned about it. This is strictly a temporary use to discharge the liquid effluent until the County system in the Pohick is in place. When that is in place, the entire lagoon and pump will be abandoned and the land returned to normal on the property. The liquid which has had the solids removed can be discharged within the County system on Braddock Road. As a result of this enlargement and improvement of the first lagoon two permanent pumps will be installed and a 6" forced main will be constructed from the lagoons out across the Richmarr property, connecting with the manhole at Old Forge and Braddock Roads. These pumps can be put on schedule to discharge into the County system at off peak hours. Mr. Hazel presented copies of Water Control Board approval, Staff approval, and State Health Department approval for the record.

Mrs. Henderson noted Planning Commission recommendation for approval of the application.

Mr. Sheads, adjacent property owner, said that he hoped they would not spray up into the trees as has been done at the lagoon in Sideburn. They have sprayed up into the trees and made a frozen mess. He said he did not oppose the application so long as it does not become a nuisance.

There are only sixty homes connected to the existing lagoon, Mr. Hazel said, with 40 more to go to the original capacity. The first families will be moving into these homes during the next two or three weeks. The lagoon has not been used yet.

January 9, 1968

RICHMARR CONSTRUCTION CO. - Ctd.

Mr. Robert Bodine stated that the field at Sideburn had been prepared and the pump lines laid. The pipes were put in the field during the latter part of summer and they started spraying when the grass had grown in. If it is frozen in the trees, it must be spray mist that is blowing there.

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Mr. Smith said that the permit, if granted, should contain a no spraying restriction.

In the application of Richmarr Construction Corp., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage lagoon, off Guinea Road (#657) Kings Park West, Falls Church District, Mr. Smith moved that the application be granted. This really amounts to an extension of their present use in connection with a pumping station to pump the water from this pond to an existing County sewer line. It is understood that there will be no spraying of fluids from either pond. All provisions of the Ordinance must be met in connection with the installation, connection and operation of these lagoons. Seconded, Mr. Barnes. Carried unanimously.

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D. I. JAVIER, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of dance hall in restaurant, 8639 Richmond Hwy., SW corner of #1 Highway and Mt. Vernon Rd. (#624), Mt. Vernon District, (C-G), Map 101-3, S-753-67 (deferred from December 5, 1967)

Mrs. Henderson said she wondered how the parking requirements could be fulfilled on this property.

Mr. Corbin Baker, owner of the property, has told him that he could use the property for parking and the wrecked cars there would be removed, Mr. Javier said. This would be contained in the lease. The restaurant would be in the section of the building where it is now and the dancing would be in the connecting portion.

In the application of D. I. Javier, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of dance hall in restaurant, 8639 Richmond Hwy., Southwest corner of #1 Highway and Mt. Vernon Road (#624), Mt. Vernon District, Mr. Smith moved that the application be approved under the following conditions: that the applicant provide 26 parking spaces as outlined on plat submitted with the application; that the applicant meet all requirements of the Electrical, Plumbing, Mechanical, Fire Marshal and Building Inspection requirements and comply with recommendations set forth by the Staff and Planning Engineer for waiver of site plan. If these conditions are not met permit shall not be granted for the use. First Richmond Highway shall be widened 47 ft. from center line to curb with curb, gutter and side walk for the full frontage of this use with adequate transition. The owner shall dedicate to 55 ft. from center line for the full frontage of this use and that the parking area be dustfree with a standard entrance from Richmond Highway. All other provisions of County and State Codes pertaining to this application shall be met, including the permit from the Fairfax County Police Department. Seconded, Mr. Barnes. Carried unanimously.

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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, Falls Church District, (RE-1), Map No. 59-1, V-728-67 (deferred from December 5, 1967)

Attorney for the applicant was not present. Mr. Smith moved to defer decision to February 27 and that the applicant or applicant's attorney be notified that if he does not show up on this date, the application will automatically be denied due to lack of interest. Seconded, Mr. Barnes. Carried unanimously.

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Northern Virginia Regional Park Authority - Skeet and Trap Shooting Range:

Mr. Paul Smith appeared before the Board with decibel tests made on December 8 and 9 but of a different band cycle than the ones made by the Park Authority. He said the noise from the operation still bothers people in the area, and presented a petition in opposition.

Mr. Smith moved that the Board request the Zoning Administrator to ask the applicants or holders of the permit, the Park Authority, for a copy of the agreement between them and the corporation or individuals in connection with this operation. It was stated by the two individuals mentioned in the application that a corporation would be formed to operate this facility; they should file with the Zoning Administrator a copy of the State Corporation Commission authorization to operate, stating names of officers of the Corporation and where they can be contacted in case of emergency by the Zoning Administrator, within 10 days of receipt of this letter. This letter should be sent within 24 hours. This will give the Board an answer by the next meeting. The same letter might also inform them of the February 27 hearing in view of constant and persistent complaints of noise from this operation and from other communications from Mr. Massey's office and others in connection with the operation. Seconded, Mr. Barnes. Carried unanimously.

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January 9, 1968

The Board agreed that the following applicants would have to file new applications before their requests could be considered: Annandale Animal Hospital; Hess Oil Company and Aquinas School.

The meeting adjourned at 6:00 P.M.
By Betty Haines

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

March 6, 1968 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 23, 1968 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.

TRI-M, INC., T/A CONGRESSIONAL PREPARATORY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, approximately 400 children hours of operation 9 a.m. to 3:30 p.m., 3229 Sleepy Hollow Road, Mason District, Map No. 61-1, Par. 5, (RE 0.5 and R-12.5), S-767-68

Mrs. Lillie M. Long, headmistress of the Congressional School, stated that the school has been in operation for about twenty-eight years. She has been with the school for twenty-five years and now has a five year lease with Mrs. Phelps, the former Mrs. Deavers and owner of the school; the Tri-M Corporation is a new corporation, just formed in June.

The hours stated in the application -- 9 a.m. to 3:30 p.m. -- are not very realistic, Mrs. Henderson said; she is an adjoining property owner and is aware of the games that go on after school and the campouts during the summer months.

They have baseball and football games until dark, Mrs. Long stated, but they do not have games with night lighting. The pool is used sometimes by overnight campers but they did not turn on the lights all last summer.

Mrs. Henderson asked Mrs. Long if she was aware of the suit pending against the school by the County which came about as a result of the filling in of flood plain to build a football field and changing the alignment of Tripps Run against regulations. Mr. Deavers promised the Board of Supervisors a number of years ago that this would be corrected, she said.

Mrs. Long replied that she is aware of the suit but is not familiar with the details. The Phelps' are supposed to be taking care of all this. The school has never had any flooding problems.

Mr. Sullivan, dean of the school, stated that they would like to use the property around the clock for students ages three to nineteen.

What about the horse operation which has created a nuisance to some of the adjoining property owners, not necessarily herself, Mrs. Henderson asked? Some of the neighbors have complained of odors and flies.

Mr. Sullivan said they were trying to work out a better organization for control of the horses this summer. The horses are not there now, they are kept on a farm during the winter months. They would have at the most a dozen horses on the property and all horse activity would be contained in the back area of the property along the creek in the woods.

Where do the students come from, Mr. Yeatman asked? Do you take all students, regardless of race or creed?

The students come from the Greater Washington area, Mr. Sullivan replied, and they take all races and nationalities except Negro. This has been the policy of the school in the past and Mrs. Long's lease states that she will uphold the policies of the school.

Mrs. Long stated that she understood that the Civil Rights Act clearly states that private schools do not have to accept Negroes.

Mr. Smith felt that the Board should go on record that if the permit is granted for the school, it is not excluding Negroes. A copy of the lease with the landowners, corporation papers and by-laws should be presented to the Zoning Administrator within 30 days after granting the school, if it is granted.

No opposition.

Mrs. Long asked that the application be amended to read 500 children.

In the application of Tri-M, Inc., T/A Congressional Preparatory School, application under Section 30-7.2.6.1.3 of the Ordinance, 3229 Sleepy Hollow Road, Mason District, Mr. Smith moved that the application be approved for a maximum of 500 children at any one time, hours 6:45 a.m. to 6:30 p.m. Hours of operation for the summer activities will be as in the past with the following restrictions: that the overnight camping be limited to not more than one night in any seven day period during summer months. Outside activities will be limited to the daylight hours during summer months. The riding school or anything pertaining to the horses will be as has been in the past, with the understanding that the lessee will make every effort to provide some type of shelter during the summer months when the horses are there, from June 12 to Labor Day, and that all precautions should be made as to flies, odor and if necessary, consult the Health Department regarding waste disposal in connection with the horses. All other provisions of the Ordinance, County, State and Federal, be met. It is understood that there is no necessity for site plan as the operation now exists, but any additional buildings

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that are placed on the property would require site plan and if there is any change or enlargement, change in hours of operation, or expansion of existing facilities, this would necessitate an amendment to this permit. Rutland Place is not to be used for entrance and exit of buses or any commercial vehicles serving the school, and there shall be no parking on Rutland Place. Seconded, Mr. Barnes. Carried unanimously.

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C. L. BISHOP, PASTOR, FRANCONIA BAPTIST CHURCH, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit use of the church property as built and proposed, for Christian College classes known as Luther Rice College and Kindergarten, 100 children 4 to 24 years of age, 9 a.m. to 5 p.m. - college, and 9 a.m. to 12 noon - kindergarten, 5912 Franconia Road, Lee District, (R-12.5), Map No. 81-4 ((1)) Parcel 18, S-768-68

Rev. Bishop stated that he wished to amend the application to read 500 students, including kindergarten. They now have fifty children in kindergarten and the maximum capacity is 60. Hours for kindergarten classes are from 9 a.m. to 12 noon. The kindergarten classes have been there for ten years. They have an option on adjoining land and the architect is working on their plans now. Perhaps the age shown on the application should be changed as they have just enrolled a man fifty-one years old who is a court reporter.

Mrs. Henderson read the Health Department's report pointing out the urgent need for connection to the sanitary sewer since the present septic tank system was only designed for an ordinary church. They recommended that efforts be made toward extension of the sanitary sewer as soon as possible, and if a connection cannot be made in the near future, soil studies and percolation tests should be initiated for additional septic system.

Rev. Bishop stated that they have three septic fields and have never had any trouble with septic tanks. They will hook onto sewer as soon as possible.

No opposition.

In the application of C. L. Bishop, Pastor, Franconia Baptist Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit use of church property as built and proposed, for Christian College classes known as Luther Rice College and Kindergarten, 5912 Franconia Road, Lee District, Mr. Smith moved that the application be approved with provision that the applicant satisfy the requirements of the State and County Health Departments, and all provisions of the Ordinance relating to this operation. Hours of operation for kindergarten will be from 9 a.m. to 12 noon, children ages 4-5, maximum of 60 children at any one time. Seconded, Mr. Barnes. Carried unanimously. In the second part of the application, Mr. Smith moved that the application be approved for a maximum of 600 college students, age 16 and up, hours of operation from 8 a.m. to 11 p.m., normally operated not more than six days a week. It is understood that the present operation in the church can continue to operate without a site plan but the proposed building would require site plan approval before construction. In the proposed expansion of the Luther Rice College, the applicant must meet all County, State and Federal health requirements. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. Until the proposed building is built, Mr. Smith added, he felt that the existing parking would take care of the present operation and if these facilities are not adequate, then they will have to be expanded to meet the needs.

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HERMAN GRENADIER, application under Section 30-6.6 of the Ordinance, to permit erection of three dwellings 27 ft. from Street property line and allow dwelling on Lots 472 and 473, 8 ft. of both side property lines, Lots 472, 473 and 474, 475, part 476, 477 and 478, Block L, Memorial Heights, Mt. Vernon District, (R-12.5), Map No. 93-1, V-769-68

Mr. Albert Grenadier stated that the request is necessitated by County action in putting an easement across the back of the lots for storm drainage. There is a 61 ft. storm drainage easement contemplated which will take up the rear of all these lots. If the variance is not granted, the houses would be right up against the easement and this would create a harsh situation. Some excavation will have to be done where the easement is located and this could possibly cause a terrific drop in the level of the lots. Memorial Street dead ends at Lot 478 and no other dwellings can be constructed on that street, to his knowledge, Mr. Grenadier said. The existing dwelling on Lots 470 and 471 is 27 ft. from the street and the proposed dwellings would have the same front line as the building that already exists. The variance requested would not cause inconvenience to anyone. At the present time they are having a problem keeping the lots cleaned off as people use them as a dumping ground.

Mrs. Henderson suggested resubdividing the lots so there would be no variance necessary on Lots 472 and 473.

Mr. Smith felt that the application is premature and the request is based on something which is not yet fixed.

HERMAN GRENADIER - Ctd.

Mr. Clyde Scott stated that the posting on the Grenadier property was dated January 28. The hearing on the easement is scheduled for February 7, he said.

Mrs. Henderson noted that Mr. Grenadier's letter of notification did not give the date of hearing so she felt the property should be reposted if the application is deferred and the same people notified of the next hearing.

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Mr. Smith moved to defer to March 12. Seconded, Mr. Barnes.

Mrs. Henderson suggested moving the house on Lots 472 and 473 to have a 7 ft. side line and a 9 ft. side line.

Mr. Smith said he did not see any justification for a variance on Lots 477 and 478 and if all possible, the house should be shown meeting all proper setbacks. He said also that he would like to have a report from Mr. Knowlton regarding future development -- if the dwellings go in, they will have to put in improvements.

Motion to defer carried unanimously.

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TYSON'S REGIONAL SHOPPING CENTER, application under Section 30-7.2.10.3.1 of the Ordinance, to permit construction and operation of service station, south side of Chain Bridge Road, approximately 600 ft. east of Fletcher St., Dranesville District, (C-D), Map No. 29-1 ((1)), Part Parcel 21, S-771-68

The station will probably be leased to Shell, Mr. Hansbarger stated, and it will be located completely within the complex of the shopping center. The architecture will conform to that of the shopping center and will front on the interior road to be built by the developers of the shopping center. There would be no other access other than from the interior road.

If old #123 is a public road then that raises the question of setback of 50 ft., Mr. Hansbarger said, if this is to be considered the rear of the property.

Basically there is a road on three sides of the station, Mrs. Henderson said, and the station should be set back the proper distance from all roads.

The station could be moved 27 ft. closer to the interior roadway, Mr. Hansbarger said, and that would solve any question regarding the setback. This will be a four bay station facing the shopping center. Signing will be integrated with the building itself, no pylons.

No opposition.

In the application of Tyson's Regional Shopping Center, application under Section 30-7.2.10.3.1 of the Ordinance, to permit construction and operation of service station, south side of Chain Bridge Rd., approximately 600 ft. east of Fletcher St. Dranesville District, Mr. Smith moved that the application be approved with the following conditions -- that the proposed station be placed in such a manner on the land as outlined on the application to meet all setback requirements (interpreted to be 50 ft. from old Chain Bridge Road), for four bay service station of masonry construction to blend in with the proposed shopping center, no entrances or exits onto old #123. All other provisions of the Ordinance shall apply. The Tyson's Corner site plan should be revised to show this setback. Seconded, Mr. Barnes. Carried unanimously.

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PRINCE WILLIAM ELECTRIC CO-OP, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection of sub-station, west side of Rt. 612 approximately 317 ft. south of Rt. 645, Centreville District, (RE-1), Map No. 85 and 86, ((1)), Part Par. 32, S-773-68

Mr. Reuben B. Hicks, Manager, and Mr. Harry Bowman, Senior Systems Engineer, were present. Prince William Electric Co-op is a Corporation chartered in Virginia in 1941, Mr. Hicks explained, and under the Utilities-Facilities Act, Prince William Electric was assigned a portion of Fairfax County. The proposed sub-station will add approximately $50,000 to the tax rolls of the County. This is adjacent to the VEPCO transmission line. They propose to purchase this land from Mr. Rinker fronting on Route 612 and would leave a screening barrier of natural growth as exists today which are primarily hardwoods with scattered evergreens. The telephone company already has an easement across this property. The sub-station is needed in order to provide sufficient electricity to the people in the area. They will leave as much buffer zone as possible and set the station back so that it will not be unsightly to people traveling along Route 612. Normally they take the trees away from the sub-station to keep limbs from falling and creating a loss of power from wind or ice. The natural growth can be supplemented by other planting if necessary.

A resident of the area who did not identify himself asked if the sub-station would create any interference to radio or television reception.

Mr. Bowman said that it would not cause any interference.

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Mrs. Henderson read the Planning Commission recommendation for approval of the application.

The Staff recommended as follows: "A site plan would be required for this use. Parking and screening requirements are to be established by the Board of Zoning Appeals. A dedication to 40 ft. from the center line of Henderson Road (#612) is recommended."

Mr. Hicks stated that Mr. France is now preparing a site plan for them.

Mr. Smith suggested putting in a fence type barrier since the present growth will have to be removed for road widening, and this fence could be supplemented by plantings of cedars and evergreens. This could be a 6 ft. high fence set at the 50 ft. setback line, a solid type fence, and parking space of dustless surface for two cars should be provided.

In the application of Prince William Electric Co-op, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection of sub-station, west side of Rt. 612, approximately 317 ft. south of Rt. 645, Centreville District, Mr. Smith moved that the application be approved under the following conditions -- that the applicant place a fence at the 50 ft. setback line with the best side showing toward Route 612; that all natural growth on the site be left undisturbed wherever possible, and still permit construction and distribution of this facility; that the applicant dedicate and construct in conformity with site plan for the full frontage of the proposed site 40 ft. from the center line of Henderson Road (#612) and that widening of existing #612 take place at the time of installation of the facility. All other provisions of County, State and Federal codes must be met. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM H. PAGE, application under Section 30-6.6 of the Ordinance, to permit erection and operation of car wash and service building 30 ft. from rear property line, Lots 1, 2 and 3, Moses Jones property, Falls Church District, (C-G), Map No. 50-4, V-774-68

Mr. Roy Spence stated that this property was before the Board previously but since that time Mr. Page has obtained zoning on the adjoining lots. He now has four lots behind the Governor Motel. The building which Mr. Page plans would lie more or less at right angles along Annandale Road. The building would house a new car preparation center and car wash, the car wash to be utilized by the public as well as for Mr. Page's new cars. There is a gas pump shown on the plat also, but Mr. Spence said he did not know whether gasoline would be sold to the public or would only be for the new cars which Mr. Page has to sell. At the previous hearing before the Board, a 6 ft. panel fence-chain link fence was granted around a portion of the property with regular chain link fence around the balance of it. There is a need for security in protecting the new cars as well as beauty.

The Staff reported as follows: "A site plan would be required for this use. The County Board of Supervisors granted a request to modify the standard screening on December 13, 1967, in which they required only a 6 ft. chain link fence on the property line with panels, strips, or other material so as to provide a solid type screening fence."

No opposition.

In the application of William H. Page, application under Section 30-6.6 of the Ordinance, to permit erection and operation of car wash and service building 30 ft. from rear property line, Lots 1, 2 and 3, Moses Jones property, Falls Church District, Mr. Yeatman moved that the application be granted with recommendations from the staff regarding fencing (6 ft. chain link fence with cedar ~~panels~~ slats inserted). All other provisions of the Ordinance shall be met. This is 30 ft. from the rear property line. The residential property to the rear is included in the Jefferson Plan for commercial uses. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES

RALPH KAUL, application under Section 30-7.2.10.5.9 of the Ordinance, to permit construction and operation of motel, 120 units, located at SW corner of Old Dominion Drive and Poplar Place, Dranesville District, Map No. 30-2, ((1)) 18 (C-G) S-733-67

This area is located in the heart of McLean and is zoned C-G, Mr. Kaul told the Board. There is a need for a motel in this area as has been supported by civic and business interests. As requested by the Board at the last hearing and after consultation with the Citizens Association they have provided a service road in accord with County and State regulations, to line up with Redmond Drive.

The Board adjourned for lunch to give Mr. Kaul an opportunity to get copies of his revised plats.

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Mr. Kaul presented revised plats showing a service road in accordance with the County and State requirements, tying the entrance into Redmond Drive, and eliminating the freestanding office which would have required a variance. The building size was reduced also therefore no variance was necessary on the setback from Old Dominion. The plats showed 130 parking spaces for 108 units.

They plan to build the motel in a Colonial design, Mr. Kaul continued, using antique brick with aluminum iron work. The motel will compare with the standards of Quality Courts and other first class motels. This will be a three story motel with a small breakfast room, and possibly there could be a moveable partition between two rooms for small club and group meetings, designed for patrons of the motel and not as a general assembly room.

Is the other piece of property with the existing house part of your property, Mrs. Henderson asked?

It is a separate lot in the same ownership, Mr. Kaul replied. They have done some research since the last hearing on parking requirements for motels, and this would have the same 1.2 ratio as the last motel granted by the Board of Zoning Appeals -- the Howard Johnson's motel on Route 1.

These are two different types of operation, Mr. Smith said, and cannot be compared. There should be 1 1/2 parking spaces per unit provided for this motel to take care of motel employees, delivery trucks, etc. The Howard Johnson's motel was part of a convention center with additional parking at the other places of business, therefore the motel did not require as many parking spaces.

Mr. Sawmelle of the McLean Citizens Association stated that Mr. Kaul had met with them and they had found him to be very cooperative. It was their understanding that the revised plats show that no variances will be required. They would be opposed to any variances being granted in connection with this application. They are very concerned about the type of motel that is put here and would like to see it of as high quality as possible.

Mr. Kaul offered to expand the parking into the other area which he owns, if necessary, and reiterated that in all of their research they had not found one single motel with 1 1/2 parking spaces per unit.

Mrs. Henderson felt there should be some staff investigation on the number of parking spaces for motels in the County and if they ever run out of space.

Mr. Baker moved to defer to February 27. Seconded, Mr. Yeatman.

If the Board is deferring action with the direction to him to come back with 1 1/2 parking spaces or be turned down otherwise, Mr. Kaul said, he would ask the Board to act today.

Mrs. Henderson voted against the motion as she said she was not convinced that the parking should be as much as 1 1/2 spaces per motel unit, and possibly Mr. Kaul could use the extra piece of land for parking. Motion carried 4-1.

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T. W. NEWTON, application under Section 30-6.6 of the Ordinance, to permit erection of building 50 ft. from Highway right of way line and on rear property line, easterly side of #95, north of Lorton Rd. (#642), Lee District, (I-G), Map No. 107 ((1)) 62A, 62B, 76, 76A, V-735-67

Mr. Newton stated that he has had a contract on this property for about two years and has run into complications due to the death of the contract owner, Mr. Devonald. He has tried to get some users for the property but has not been able to do this because there is not enough land on which to put them. The property was zoned to I-G on December 1, 1966. He is seeking a variance on the required building restriction line of 75 ft. from the State Highway Department's fence lying completely below the northbound entrance to Interstate Route 95, running for a distance of approximately 2,000 ft. on his property. Another variance is being requested on the 100 ft. distance from the adjoining residential property.

Mr. Smith asked Mr. Newton what type of building he planned to put on the property and what it would be used for.

Mr. Newton said that he had no building planned at the present time.

The Board cannot stretch the lot, Mr. Smith pointed out, and if the applicant does not have a building shown, the Board cannot act. Perhaps the application should be deferred.

In order to get someone who might want to use the property, Mr. Newton said, they asked for I-G zoning. In getting it they had to give 1/2 acre to the State to get a 55 ft. entrance. That actually has not transpired because there has been no transfer of title and the gentleman who had the title has deceased. The grade is 35 ft. below the interchange and the 75 ft. setback runs for a distance of approximately 2,000 ft. along the property frontage.

Mrs. Henderson suggested changing the design of the building shown on the plat (the building which Mr. Newton no longer plans to build), stretching it out lengthwise to meet the setbacks. This land was rezoned in 1966 and the same regulations which apply today applied at that time. It might be possible to waive the rear setback because the property is in the Plan for Industrial Development, but there is no justification for granting a variance on the other side.

Mr. Newton said he had hoped that the 75 ft. requirement along the highway could be cut back to 40 ft.

The Board cannot grant a variance in vacuum, Mrs. Henderson explained, it has to have a specific building to grant specific variances on. She said she felt that the request was an impossible request from all circumstances, and asked Mr. Newton why he did not place the building on the other parcel of 2+ acres.

Mr. Smith said he was in sympathy with Mr. Newton's statements and would like to suggest some way of utilizing the property, but felt that he was before the wrong Board. The 75 ft. can be utilized for parking and roadways, but not for construction of a building, and he felt that the Board should defer action until Mr. Newton decides what type of building he wants to erect. The Board has no authority to construct a building within the 75 ft. but there is still room to construct an enormous building and utilize it for any purpose allowed in this zoning category.

Mr. Paul Glover represented the Johnsons, adjoining property owners, requesting that the appeal be denied pending the submission of a site plan to the Planning Commission. It appears that Mr. Newton's plans are too large for the land unless he plans a smaller, longer building, or if he cannot utilize the land, perhaps he should buy more land to go with it. The owner of the triangle which has railroad frontage incidentally has spent his entire working life in heavy construction, Mr. Glover added, and he knows a good buy when he sees one. He spotted this as a logical buy sixteen years ago and moved into the house ten years ago. He knows something is going to happen there and is willing to see it happen there. The Pohick will be completed early next year and there is no gas on the property yet -- perhaps someone should assemble the whole area and do something effective with it.

It has been pointed out to Mr. Newton that he can make a reasonable use of this land under the present Ordinance, Mr. Smith said. The area marked "Mayhugh tract" is in the Master Plan for industrial development. Mr. Newton could make maximum use of either of the two parcels and still comply with the Ordinance except on the 100 ft. setback requirement. If he would like the Board to defer action, it would allow him to come in with a more specific plan. He can utilize every foot of this land so he is not being denied a reasonable use -- he can use the property all the way out to the property line for roadways and parking, which he would need for any type of building. The building must fit the land. The Board cannot stretch the land to fit the building. The application should be deferred to have a new plat submitted showing the building which Mr. Newton plans to build, maintaining this 75 ft. setback.

Mr. Smith moved to deny the part of the application dealing with the variance on the building restriction line, and allowing the question of the rear property line to remain before the Board on a deferred basis -- deferred for not more than eleven months -- so that Mr. Newton can come back before the Board with a specific building location and parking layout and a specific use to be made of the building, after having concurrence from the Planning Commission. This may be placed back on the agenda at such time as the applicant may request it, giving 30 days notice to the Zoning Administrator. Seconded, Mr. Barnes. Carried unanimously.

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KENYON L. EDWARDS, application under Sec. 30-6.6 of the Ordinance, to permit erection of dwellings closer to front property lines than allowed, Lots 1, 5, 6, 9, 12 and 13, Chesterbrook Hills, Dranesville District, (R-17), Map No. 31-4, V-750-67 (deferred from December 5.)

Mr. Charles Runyon, Civil Engineer and Land Surveyor, stated that these houses have not been built. Because of the topography problems on these lots, he said that he suggested to Mr. Edwards that he apply for variances. Mr. Cardwell had already prepared a grading plan and submitted it to County authorities, and when Mr. Runyon took over Mr. Cardwell's files, he had trouble trying to implement the plan because of the topography of the land. These lots are about 20 ft. from the proposed street level to the back of them and they hoped they would be allowed to move the houses forward enough so that they would not be down in a hole below the street. Also, they are trying to save as much sub-basement as possible, and prevent steep driveways. The variances requested are reasonable because the same front yard could be had with cluster zoning.

Mrs. Henderson said the Board should not discuss cluster zoning as this is not cluster development. This is an unreasonable request for a variance on six houses out of seven.

They have found a way to fill Lot 1, Mr. Runyon said. They had some excess fill material so they denuded Lot 1 and filled it with this excess material.

Mr. Rodney Vaughters, adjacent property owner, stated that his home at 6026 and three others on Woodland Terrace were completed between December 1964 and early 1965. They contracted to buy their home in August of 1965. At that time there was an existing plan for homes in the area under consideration shown to them and no question as to the fact that these homes could be well built and placed well upon the lots. The property remained undeveloped up to the middle of last year when the land was cleared, trees were ripped out and the area where the houses are to be built was bared and dropped down 15 ft. This is not a natural topography problem but one which is man-made. The house on Lot 1 is built right on the edge of a cliff and was no harder or easier to build than any other house in this project.

Mr. Vaughters also complained of trash which he said has been on Mr. Edwards'property for three years, and said he had been advised by the County that there are no ordinance requirements as to when a builder must clean up his trash. The minimum price on houses in Chesterbrook is $65,000 and decreasing the size of the lots would lower the values of the entire area. Small yards do not befit a $65,000 or $80,000 home. Also, many of the trees have been removed from the property, leaving 80 ft. tall pine trees which will blow down on their houses during high winds. He urged the Board to deny the request.

Mrs. Kulski of 6030 Woodland Terrace, stated that she wished to see the road and lots maintained as originally laid out when they bought their property. The area was not laid out for cluster development. It seems a matter of convenience to obtain these variances. They bought their home in 1965 and were shown a plan of the other houses to be built and would like for the original plan to be adhered to.

Mr. Vaughters' talk centered primarily on the fact that the trees have already been ripped out and the topography disturbed, Mr. Runyon said. The topography was changed because of the plat which Mr. Cardwell had prepared. They were only trying to salvage the rest of the lots and they can better do this if the houses can be moved forward and the trees in the rear salvaged. They had to remove trees for sidewalks, streets, etc. Mr. Vaughters also speaks of "foolhardy grading" -- Mr. Edwards had to do that because of the grading plan which completely denudes the area. They are not changing the size of the lots in any way. They would be glad to give anyone a copy of the grading plan if they request one. They are not changing the final plat, only asking the Board to allow them to move the houses forward and save some of the natural growth to make a better subdivision. They did not plan to realign the street closer to Mr. Vaughters. All of this information would have been available if it had been requested. The lot areas are not being reduced. These houses will be in the vicinity of $65,000.

The outline of one house adjoining his property is already staked out and it is 26 ft. from his property line, Mr. Vaughters said.

There might be some circumstances which would warrant a variance on one or two lots, Mrs. Henderson said, but not a wholesale variance such as this.

In the application of Kenyon L. Edwards, application under Section 30-6.6 of the Ordinance, to permit erection of dwellings closer to front property lines than allowed, Lots 1, 5, 6, 9, 12 and 13, Chesterbrook Hills, Dranesville District, Mr. Yeatman moved that the application be denied. Seconded by Mr. Smith, for the following reasons: the applicant has stated his desire to save the trees, and the fact that the condition of the terrain would cause a more expensive home to be built if the variance is not granted. These were the reasons for the request and not one of topography as outlined by the Ordinance. The fact that there was a plan to allow development on a number of these lots meeting setbacks leads him to believe that a reasonable and proper development under the Ordinance can be made without a variance on any of the lots, he said. The only variance granted to his knowledge is one which was granted because of a mistake in construction. None of the testimony given today gives any reason other than convenience and possibly saving some of the trees, and the topographic problem is a minor one and not one which would deprive the applicant of a reasonable use of the land. Carried unanimously.

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CAMPBELL & THOMPSON, INC., to permit erection of bath house (men's and women's restrooms), 10450 Van Thompson Rd., Springfield District, (RE-1), Map 105 (deferred from December 5)

Mr. Campbell stated that as far as he knew the operation complies with all conditions of the use permit. They have been operating with two outhouses which were approved by the Health Department and now they want to give the people better accommodations by building cinderblock restrooms and septic field. They have boat rentals on the Occoquan reservoir which is now owned by the Fairfax County Water Authority.

Mr. Smith asked if Mr. Campbell had permission from the Water Authority to rent boats on this reservoir.

Mr. Campbell said he had nothing in writing. He understood that he could use it with the Board of Zoning Appeals' permission as long as they kept the shoreline clean and picked up the papers and trash from picnics.

If there is any action by this Board, Mr. Smith said, it should be based on only the part over which the Board has jurisdiction and not to be interpreted in any way to

give authority to use this water without first obtaining written permission from the proper authorities. Are outboard motors used, he asked?

By Ordinance they can use up to 10 horsepower, Mr. Campbell replied.

What is the largest number of people you have ever had at the park at any one time, Mr. Smith asked?

About fifty people, Mr. Campbell said. They have a shed type building on the property now with screened front where they sell softdrinks from vending machines, and minnows and worms for the fishermen. They also have about forty picnic tables and 49 boats. Admission is $1.50 per family or car. Campsites are available too. They officially close around November 1 and open around April 1.

Is the gate kept locked at all times when the facility is not in use, Mr. Smith asked?

It is pretty hard to keep people out, Mr. Campbell said. They barricaded the road but the people went around it, through the fields, and sometimes the barricade got torn down.

In the application of Campbell & Thompson, Inc., to permit erection of bath house, (men's and women's restrooms), 10450 Van Thompson Road, Springfield District, Mr. Smith moved that the application be approved as outlined originally and as shown on plats submitted. It should be pointed out to the applicant that site plan would be required. This should be constructed and in use by the opening of the 1968 season. The Zoning Administrator shall inform the applicant that if he does not have a bona fide occupancy permit, he should acquire one prior to spring opening. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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PETER S. AND DOROTHY SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 3.5 ft. from side property line, Lot 21, Sec. 1, Munson Hill Farm, 3331 Mansfield Road, Mason District, (R-12.5), V-754-67 (deferred from December 19)

Mrs. Henderson stated that she had viewed the property and had found out that there are seven other 80 ft. lots without carports. She suggested cutting off 1 1/2 ft. from the carport and come within 5 ft. which is the minimum.

Mr. Smith moved that the application of Peter S. and Dorothy Smith, application under Section 30-6.6 of the Ordinance, to permit erection of open carport, Lot 21, Section 1, Munson Hill Farm, 3331 Mansfield Road, Mason District, be granted in part -- to allow construction of carport 5.5 ft. from property line. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she could not see any difference between this lot and other 80 ft. lots in the subdivision without carports.

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HERBERT AND JOSEPH B. LATSHAW, application under Section 30-6.6 of the Ordinance, to permit erection of restaurant closer to front property line and closer to rear property line than allowed, north side of Rt. 236, approx. 600 ft. west of Beauregard Street, Mason District, (C-N), Map No. 72-4 ((1)), Parcel 9, V-756-67 (deferred from December 19)

Mr. Henderson Reeves and Mr. Dick Heyer, architect for Lum's Restaurant, were present.

Mr. Reeves stated that he had submitted new plats requested by the Board and had notified the managers of the apartments of the hearing.

Mr. Smith commended the engineer for the job which he did on this odd shaped lot.

In the application of Herbert & Joseph B. Latshaw, application under Section 30-6.6 of the Ordinance, to permit erection of restuarant close to front property line and closer to rear property line than allowed, North side of Route 236, approximately 600 ft. west of Beauregard Street, Mason District, Mr. Smith moved that the application be approved with the following provisions: this is approved in part, actually, as they meet the front setback requirements and the engineer has done a fine job with this odd shaped lot, that they be allowed to construct a building 19 ft. from the rear property line. It is understood that the applicants are the sellers of this property and that the property will be owned and operated by Lum's Inc. for a Lum's Restaurant and it is also understood that the applicant and the developers will dedicate and construct a service drive for the full frontage of the property in conformity with a site plan approved by the staff and this includes the median, sidewalks, etc. taking into consideration the fact that the service drive or travel lane that is now on each end of this is not necessarily in conformity with present County standards. All other provisions of County, State and Federal laws pertaining to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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DR. HERBERT AND LILLIE NAGIN, application under Section 30-6.6 of the Ordinance and 30-7.2.10.5.2, to permit operation of animal hospital and permit existing building to remain 41.23 ft. from property line on Arlington Blvd. and 12.18 ft. from Old Wilson Blvd., (6300 Arlington Blvd.), Mason District, (C-G) Map 51-3, S-755-67 (deferred from Dec. 19)

Mr. William Hansbarger represented the applicants. This building has existed as an Esso service station and perhaps the reason that Esso gave up the site was because of the tremendous change in the highways in the area. Once this was on grade with Arlington Boulevard but subsequently an overpass was put in and the station was left on part of a ramp and combination service road which runs down into a portion of Willston. The building could not be built today but under the Ordinance a non-conforming building is permitted to remain until such time as it is destroyed by one catastrophe or another to an extent of 50% of its present fair market value as determined by the Fairfax County assessor.

Mr. Hansbarger said he did not know what the size of the lot was before the highway took some of it, but it was left in this predicament because the road was put closer than existed before. Old Wilson Boulevard was left on the records and is used by the properties to the rear. Mrs. Forrest, owner of the property, has made arrangements through Mrs. Smith, to locate the animal hospital on this property. The operation would not be objectionable to nearby dwellings by way of noise, fumes, etc.

The transmission shop on the property is still operating, Mr. Hansbarger continued. The Highway Department should have taken the entire property because it was left too small for a service station. If the use permit is granted, a condition should be attached that the property be cleaned up. Eight parking spaces would be provided for the operation. The building has been inspected and is structurally sound.

The Board should have a written statement to this effect, Mrs. Henderson said, so they would know if the building really is safe. Another question is the amount of money to be spent in rehabilitation -- Dr. Nagin has already stated that he plans to spend $10,000 or more and this is more than the assessed amount of the building. She said she wondered why anyone would want this location as there is no room for expansion. How many people would work in the building, she asked?

The doctor and one employee, Mr. Hansbarger said, and the operation would be on an appointment basis only, except in cases of emergency. They estimate an average of three patients per hour.

Mr. Rod Brown, Mrs. Forrest's agent, stated that Mrs. Forrest has a contract to sell the property. Her monthly payments are $200 and she is getting $125 a month for rent. The tenant now on the property is renting on a month to month basis for the transmission shop. Taxes are in excess of $700 a year.

Mr. Smith moved to defer decision to February 27 for presentation of information requested by the Board. The Board should have a full inspections report listing things which need to be done. Proposed runs should be shown on a plat, and also the proposed layout of the building, with a list of what it would take to bring the building up to present day standards. Apparently the building was constructed as a dwelling some thirty years ago.

Mr. Hansbarger said he could not be present on February 27 and suggested deferring to March 13. Mr. Smith agreed. Seconded, Mr. Barnes. Carried unanimously.

They have talked with the Humane Society of Fairfax, Mrs. Smith said, and have their permission to tell the Board that there is a need for another animal hospital in this area.

The Board should have a written statement from them for the records, Mr. Smith said.

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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, 4305 Markham Street, part Lot 2, Frank Hannah Subdivision, Falls Church District, (C-D), Map 71-1 ((1)) Par. 7, V-718-67 (deferred from December 5.)

Letter from the applicant requested withdrawal of the application because of financing problems.

Mr. Smith moved that Mrs. Cougno be allowed to withdraw her application. Seconded, Mr. Barnes. Carried unanimously.

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CARROLL E. NORFOLK - Request of extension because of site plan problems. Mr. Smith moved to extend the permit for one year -- to January 24, 1969 with the understanding the applicant will pursue this diligently for the next year and be able to complete construction within this year's extension. Seconded, Mr. Barnes. Carried unanimously.

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January 23, 1968

TYSON'S BRIAR, INC.

Mr. Siler stated that Tyson's Briar, Inc. was granted a use permit for a swimming pool on December 5 but they have run into some problems and would like an interpretation from the Board. In submitting their site plan they found that they had left Mr. McDowell's property with less than five acres which brings the situation under Subdivision Control, requiring a site plan for the balance of the McDowell property, with a dedication of certain property for widening of Old Courthouse Road. Since this is still up in the air, Mr. McDowell is reluctant to give a blanket dedication until the particular project has been finalized and they hoped there could be a waiver so he would not have to go through site plan. It would take a month to come up with a new site plan for the McDowell property and they had hoped to begin construction of the pool in February and open by May 30. They are asking the Board for advice as to what they should do, Mr. Siler said.

The property in question has been cut twice without coming under Subdivision Control, Mr. Knowlton said, and this problem comes about by cutting off a part for the swimming pool. Since the part that is left is less than five acres, it now comes under Subdivision Control.

Mr. Smith said he did not feel that the Board of Zoning Appeals had authority to grant waivers under Subdivision Control. If it were possible to reduce the size of the swimming pool acreage and they could still meet parking requirements, would that solve it, he asked?

Mr. Knowlton said he had not known that this was coming up today and did not have a plat so he did not know whether it would be possible for the land to be subdivided so that each piece has five acres or more.

To leave Mr. McDowell with five acres they would have to move the property line down to the edge of their parking lot, Mr. Krach said.

Mrs. Henderson suggested reversing the big pool and the wading and training pool.

The land gets very steep at that point and from an engineering point of view it would not make good sense, Mr. Krach said. They have spent a good deal of time coming up with this plan which they feel is the best overall plan for their clients. They have sold over 200 memberships with the understanding that the pool will be open Memorial Day.

Mrs. Henderson suggested eliminating a couple of the tennis courts and picking up extra parking space but Mr. Krach said they had already eliminated one. They think they have a very nice facility and are eager to get it built.

Mr. Knowlton said that Mr. Rust of the Planning Staff had made the title search on the property and had found that two pieces of ground had already been cut off of the property.

Mr. McDowell said that he had never sold any land, it must have been sold off before he bought it. He has owned his property for four years.

Mr. Krach asked if the Board would waive the 25 ft. setback on parking.

The Ordinance states that the Board cannot waive any specific requirement and that is one, Mrs. Henderson replied.

Mr. Krach asked if the Board of Zoning Appeals would recommend to the Planning Commission that the subdivision requirement be waived?

Mrs. Henderson advised him to go to the Board of Supervisors -- the Board of Zoning Appeals would have no control over the matter.

The meeting adjourned at 7:00 P.M.
By Betty Haines

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

March 6, 1968 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, February 13, 1968 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.

ANNANDALE ANIMAL HOSPITAL, application under Section 30-7.2.10.5.2 of the Ordinance, to permit erection and operation of addition to animal hospital, 7405 Little River Turnpike, Annandale District, (C-G), Map No. 71-1, par. 2 & 3, S-782-68

Mrs. Henderson asked if this would take up any of the parking area which was included in the original application.

Dr. Wilson replied that it would not. They had a use permit granted in August of 1967 and in order to meet with the conditions of moving the runs inside, they will have to put on a small addition at the back of the building and on the side. The twenty-two parking spaces required by the Board are shown on the plat.

No opposition.

Mr. Smith asked if the travel lane was to be completed and dedicated by the applicant.

In this case the travel lane cannot be dedicated because the State will not accept it for maintenance, Mr. Knowlton said.

In the application of Annandale Animal Hospital, application under Section 30-7.2.10.5.2 of the Ordinance, to permit erection and operation of addition to animal hospital, 7405 Little River Turnpike, Annandale District, Mr. Smith moved to approve the application in conformity with plat and site plan submitted. This is a change in the granting of a special use permit and variance of August 1, 1967 to Dr. Wilson, to enclose the runs for the animals to be housed inside rather than outside. All other provisions of the original granting and special use permit of August 1 shall be complied with. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD H. CURTISS, application under Section 30-6.6 of the Ordinance, to permit construction of garage and open porch above it, 9 ft. of side line, 4513 Guinea Road, Lot 3, Block 1, Sec. 1, Woods of Ilda, Annandale District, (RE-1), Map No. 69-2, V-775-68

The proposed addition would continue all exterior and interior lines of the house, Mr. Curtiss said, and would consist of a two car garage at the basement level and a screened porch at the ground level. Very little excavation would be required because of the way the land slopes. The present driveway would be lowered only 2 ft. and only one tree would have to be removed. Because the lot is wider in the front than the back, the addition would be 9 ft. at its closest point. None of the neighbors are opposed to the application. He bought the property eight years ago, Mr. Curtiss continued, and his family has grown and they need the extra space. This house is smaller than most of the houses in the area.

Mr. Smith said he felt that the County should take into consideration land values and scarcity of land and explore the possibility of including in the recent amendment regarding open carports the right to have enclosed garages because to him they are not as much nuisance as an open carport. How can the Board justify a lesser degree of open space in some areas and imposing this restriction in this particular zoning area, Mr. Smith asked? This is an older area and there are smaller lots all around.

Mrs. Henderson stated that the Board is not authorized to compare one zoning against another just because there is a new cluster zoning, but the Board could take into consideration that the lot in width, size, etc. is non-conforming with the zoning.

There are few zonings taking place on one acre lots, Mr. Smith said; it is not practical and is not feasible.

Then in this case it would be up to the Board of Supervisors to change the side lines, Mrs. Henderson said.

Mr. Smith again stated that the Board should start thinking in terms of alleviating some of these applications being brought to them and allowing garages along with open carports and porches, for the housing of cars only, not for living purposes, because many changes have taken place in the area.

Mr. Curtiss told the Board that he had considered a detached garage but because of the slope of the land it is not feasible.

RICHARD H. CURTISS - Ctd.

These houses have been here for some time, Mr. Smith said, and something should be done to allow them to expand.

By granting a variance, the Board is allowing them to continue living here, Mrs. Henderson said, and if it becomes a matter of right, this negates the intent of the Ordinance.

No opposition.

Mr. Smith asked if Mr. Curtiss planned to maintain this house as his permanent home.

Mr. Curtiss replied that he had no intention of selling the house and although he is in foreign service, this is home base.

The Board can only grant a minimum request, Mrs. Henderson noted, and a variance would be necessary even for a one car 12 ft. garage.

In the application of Richard H. Curtiss, application under Section 30-6.6 of the Ordinance, to permit construction of garage and open porch above it, 9 ft. of side line, 4513 Guinea Road, Lot 3, Block 1, Section 1, Woods of Ilda, Annandale District, Mr. Yeatman moved to grant the application in part -- for construction 11 ft. instead of 9 ft. as requested, due to topography and the irregular lot. Seconded, Mr. Baker. Mr. Smith offered the following amendment, accepted by Messrs. Yeatman and Baker, that this is to be used only for housing of the occupants' motor vehicles and not be used for living purposes. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the size of the garage should be reduced to 14 ft. The variance requested is too large.

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DAN A. JOHNSON, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed, 4107 Wakefield Drive, Lot 175, Sec. 3, Wakefield Forest, Annandale District, (RE-1), Map No. 59-3, V-776-68

Mr. Johnson explained that he wished to enclose his porch because every time it rains his porch gets wet. He would like to put brick up 3 ft. high and continue it with siding and windows. The house is approximately twelve years old. When he bought the property in June he was not aware of the water problem. He has put a rock garden on one side of the yard in hopes that it will help the problem of water coming down off the hill into his yard. There are fifteen other houses exactly like his, nine of which have porches, one completely enclosed and two others half enclosed.

No opposition.

The enclosed porch would be used as a recreation room, Mr. Johnson added.

Both the previous application and this one are applications in which the Board must take several things into consideration, Mr. Smith said; here again is a case where the house is twelve years old and sits thirteen feet or more from the side line. The occupant is a more recent owner in this case desiring to use this space for recreational purposes which he can do as a screened porch, however, for reasons of water problems he wants to enclose it. Again, the Board should consider the changing conditions of the area, or maybe the zoning should be changed to give greater flexibility in this type of construction, or enlargement of houses to better meet the present day needs of families in the area.

In the application of Dan A. Johnson, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed, 4107 Wakefield Drive, Lot 175, Section 3, Wakefield Forest, Annandale District, Mr. Smith moved that the application be approved as applied for to enclose existing porch as shown, 13 ft. 6 inches from side property line; this enclosure is to be used only for recreational purposes and not for sleeping accommodations. The porch is existing which makes some difference in being able to enclose this. Seconded, Mr. Barnes. Carried unanimously.

The porch is actually existing, which makes some difference in this case, Mrs. Henderson said. In the previous case, she said she was willing to grant some variance but not to the extent that it was granted -- that structure was not even started yet.

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JOHN C. & LORENE B. YORK, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than allowed by Ordinance, proposed Lot 1, John C. & Lorene B. York property, 221 ft. south of Weant Drive, Dranesville District, Map No. 8 ((1)) part par. 116, (RE-2), V-777-68

Mr. James Smith, surveyor and engineer, stated that the Yorks have owned the property for about six years. There is no house on the land at the present time but Mr. York plans to retire from the Air Force and build a house on part of the tract.

February 13, 1968

JOHN C. & LORENE B. YORK - Ctd.

The Board of Supervisors in December granted the request to permit division of the land under certain conditions, Mr. Smith said. Are the owners in agreement with those conditions if this variance is granted, he asked?

Mr. James Smith replied that they were.

Why couldn't the lot be divided in the other direction, Mrs. Henderson asked?

Because the land does not lend itself to being divided that way, Mr. James Smith said. The front part of the lot is about even with the road and the ground goes downhill for about 30 or 40 ft. with a ravine in the back, making it useless for building, and they cannot get percolation back there. The house will be built on the larger part of the land after division. Both parts will remain in the Yorks' ownership. The reason for dividing the property is to allow the Yorks to get a release from the owner as they do not own the property outright. They would like to get a release on part of the ground and build on it. They have partially paid for the land and that amount would take care of this portion of it.

Mrs. Henderson suggested moving the line over.

This would go through the only buildable space, Mr. James Smith said.

Are you leaving an unusable lot, Mrs. Henderson asked?

It could be built upon, but it would be difficult, Mr. James Smith replied. As to Mrs. Henderson's suggestion that the Yorks pick out the suitable piece on the 5 1/2 acres and build the house, Mr. Smith said that five acres tied up in the construction of one home would not be in keeping with the income of a retired military man.

Mr. Yeatman suggested that the Board get more information on topo, something to show that this is the only site for location of a house.

Mrs. Henderson asked if the line could be jogged to get 225 ft. or 200 ft. so the house would not need a variance.

Mr. James Bell, Director of the Fairfax County Park Authority, stated that they were not aware of the application until the property was posted. In the Five Year Plan which was adopted and promoted and passed by referendum in 1966 for the enlargement of River Bend Park, they have an appraisal firm doing studies for expansion and acquisition of land in the area. They have not made any proposals to land owners at this time. Studies are being made at this time by their appraisers which concern several properties in the area and they would hope that no decisions that could materially affect this pending acquisition program would be made.

Mr. Dan Smith pointed out that the Yorks could divide this land under Board of Supervisors' proposal and construct a house as soon as they could get the building permit without any action of this Board, or they could construct a house on the entire tract of land. The fact that a certified surveyor has made statements in relation to the topo of the land should be sufficient for this Board to make a decision on, Mr. Smith continued. He did not wish to do anything which would impede the Park Authority in taking the land or cause the citizens or the Park Authority to spend additional money, but he recalled at least one previous case where the Board granted a permit on a larger area than this for private recreational use for gain and as a matter of fact it probably cost the Park Authority and the taxpayers several thousand dollars more. It seems that the application is a reasonable one and should be acted upon by the Board and now that the applicant is aware of this situation, the Park Authority could contact him and do whatever they see fit, but to delay a decision based on statements before the Board does not seem the right thing to do. This meets the requirements of the zoning for the area, the only factor being the frontage and the Board of Supervisors granted this request under certain conditions. They are only before this Board to complete it and it seems that it is encumbent upon this Board to take favorable action and let the Park Authority and the Yorks work it out. It is not going to increase the basic cost of the land -- they can construct a house at present, and this Board cannot stop construction.

The Board should defer for the Park Authority to talk with the Yorks, Mrs. Henderson said. Certainly she was not convinced by Mr. Smith's remarks as to why this could not be divided in some other manner or why the line could not be jogged so there would be no need for a variance, she said. There is no written proof that the Staff or the Board of Supervisors knew that this was going to be a division of lot with less frontage than required; it only says "request to permit two lots without public street frontage".

Mr. Knowlton explained that it is the policy of his office to check anything which comes in against the approved Master Plan. There were no parks shown on any approved Master Plan for this area, however the Park Authority plans way in advance and the Master Plans will be updated shortly, but from general office routine there was no reason to send this request to the Park Authority when it went to the Board of Supervisors.

Mr. Yeatman moved that the application of John C. and Lorene B. York be deferred for further information and a topo showing why this line cannot be moved over to make conforming lots. Deferred to March 12. Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion.

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036

HESS OIL COMPANY, application under Section 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection and operation of service station closer to Telegraph Road, west side of Telegraph Road approximately 800 ft. south of its intersection with North Kings Hwy., Lee District, (C-D), Map No. 83-1, S-780-68

Mr. John Aylor represented the applicant. This application was granted by the Board of Zoning Appeals before, he said, but there were so many problems the permit expired before the station could be built. This plan is identical to the one that was presented before, with the exception that the pump islands have been moved back from the original application and no variances are needed for the station. At the time they filed the application they thought that the building had to be 75 ft. back but since then because of the existing width of Telegraph Road they only need to be 50 ft. back. Immediately after the use permit was granted in 1965 the parties concerned proceeded to apply for the necessary building permit and get site plan approval. Upon talking with Mr. Garza of Public Works it was indicated that no building could be built in this location due to flood plain. A representative of Hess had many conversations with Captain Porter and many different plans were submitted. Finally Captain Porter decided that the County should employ an engineer to make a study of this area so they employed Harris, Patton and Foard, and Hess employed Hunsberger and Mori. After Patton, Harris and Foard submitted their plan, Hunsberger-Mori worked with them, and it was decided that they could build a station provided that Hess came up with $39,400 to take care of their portion of construction necessary for on-site and off-site drainage.

At the time the use permit was about the expire, it still looked like a hopeless situation, Mr. Aylor continued. It seemed economically unfeasible to proceed with development and consequently no request was made to extend the permit. With the granting of this permit for the application now before the Board, all that would be left to do in order to start construction is to put up bond and proceed with the application for building permit. Sewer and water are available to the site.

Mr. Aylor showed a picture of the type of station proposed by Hess. Since this is a station which dispenses gasoline and oil products only, there would be no bays, no cars parked around to clutter up the area, no servicing, no greasing, and the cars would only be there while getting gas. Hess pride themselves on keeping neat stations, Mr. Aylor continued. There would be no adverse impact on adjacent property. On one side of the property is zoned C-G and one is C-D.

Apparently the rear of the property could be utilized in the future with certain improvements, Mr. Smith said. What would Hess propose to do with the remaining portion?

There are no plans for the rear of the property, but it could be utilized for expansion of this station and that is all, Mr. Hunsberger stated.

Mr. Smith objected to the design of cinderblock which he felt did not meet the Board's requirements for service stations in C-D and C-N zones. The Board has not allowed other oil dealers to use cinderblock or porcelain and it would not be consistent to allow Hess to use it. Also, the Board has been restricting the oil dealers to one pylon sign and has discouraged any type of advertising on the building except perhaps a name in small letters.

What is the material across the top of the building with "HESS" on it, Mrs. Henderson asked?

Those are plastic modules with lights on the interior, the representative from Hess stated -- four modules spelling "HESS". It is not a sign in the sense that the word sign is used -- it is an integral part of the building. The design of this building has won awards from all over the country. It is not only a feasible design but is outstanding and is kept clean. The average gasoline station throughout the country has bays and is really a repair shop. This building is designed strictly for selling gasoline and motor oil. The block is a stacked cinderblock, reinforced, not the ordinary type of cinderblock. It is really a cement block which holds paint better than ordinary brick. It is painted twice a year and is very beautiful.

Instead of the plastic facade with the name "HESS" on it, why couldn't it be of some other material with a small "HESS" in the middle or on the walls, Mrs. Henderson asked? The Board would prefer a ranch type station without this big facade across the top, or if the facade is an integral part of the building, why couldn't it be of some other material than plastic?

The representative from Hess stated that they have no ranch style building. If the Board would prefer a brick wall painted white instead of cinderblock, they could fulfill that requirement, but the brick would not hold paint as well as the block.

No opposition.

Mrs. Henderson said she would like to look at a Hess station at night.

Mr. Yeatman agreed that that was a good idea and moved to defer to February 27 for decision only. Seconded, Mr. Barnes. Carried unanimously.

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February 13, 1968

ALBERT D. MAIZEIS, D. D. S., application under Section 30-7.2.2.1.3 of the Ordinance, to permit erection of four towers and transmitter building for operation of radio station, located NE of Hunter Mill Road approximately 1/2 mile north of Rt. 123, Centreville District, (RE-1), Map No. 37-4 ((1)) 48, S-779-68

038

Mrs. Henderson noted that the Planning Commission recommended denial of the application.

Letter from the applicant requested withdrawal. Mr. Barnes moved that the applic ant be allowed to withdraw his application. Seconded, Mr. Baker. Carried unanimously.

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ERWIN S. BLACK, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed, 3102 Hazelton Street, Lot 75, Section 5, Sleepy Hollow Manor, Mason District, (R-12.5), Map No. 51-3 ((12)) 75, V-781-68

Mrs. Henderson recalled two similar requests in this subdivision within the past year, both of which were denied. In order to grant a variance there must be something peculiar to the lot, otherwise it becomes a personal privilege to be granted a variance. There are many similar cases in this subdivision.

The man has owned the lot for eight years, Mr. Smith said, and his family has grown to teenagers and his needs are far different now than they were when he purchased his home. The porch is there now and is being used for the same purpose that it is going to be used for if it is enclosed. The Board must consider the health and welfare of the citizens.

Mrs. Henderson asked Mr. Smith to explain to her why this is not a special privilege granted to an individual since this was not approaching confiscation of his property.

The Code uses the words "reasonable use", Mr. Smith said.

There are many homes in this subdivision, Mrs. Henderson stated, and many people have lived there for a long time and their families have grown. She said she could see no difference between this case and hundreds of others in the whole subdivision.

Mr. Smith said he felt that the reasonable use of the property would be denied the applicant if he is not allowed to enclose the porch, and it would be a hardship on the man if he is not granted the additional living space.

The lot size does conform to the zoning in the area and granting a variance would be a step toward this Board's rezoning of the land, Mrs. Henderson said.

Enclosing the porch is different from construction of a new one in the side yard, Mr. Yeatman stated, and the Board should change their thinking somewhat.

Mrs. Henderson commented that if that is the case, then the Ordinance and State Code should be changed.

Mr. Gruver, the contractor who would enclose the porch, spoke in favor of the application.

There was no opposition.

Mr. Smith stated that he was considering the general health and welfare of this particular family and all of the families living in this particular area, and the fact that to deny the application would deny the man the reasonable use of the existing structure which he has owned for a number of years. In the application of Erwin S. Black, application under Section 30-6.6 of the Ordinance, to permit existing porch to be enclosed, 3102 Hazelton St., Lot 75, Section 5, Sleepy Hollow Manor, Mason District, Mr. Smith moved that the application be approved as applied for 10 ft. 3 in. from side property line; this is to expand the living space and under the present structure for the needs of the present owner and occupant. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion, stating that this is a small variance and will not have any detrimental effect on the area so long as this request does not run like wildfire through the subdivision. This is a personal circumstance and not one pertaining to the land and building involved and under the Ordinance and the Code, the Board cannot consider this for granting a variance.

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SHELL OIL COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of Service station, Bradlick Shopping Center, Annandale District, (C-D), Map 71-4, part 27, S-783-68

Mr. Fagelson represented the applicant.

The gasoline station on the corner is not a part of the shopping center, Mr. Fagelson stated. It is their hope and belief that there are going to be more and more gasoline stations in the County and the present trend is to put them in shopping centers where they are controlled and are a part of an existing type of commercial activity. If there is going to be a station along Braddock Road, the logical place is to put it in the shopping center. They are planning to build a Shell ranch type station and will go along with any standards which the Board might like to set up. This is a proper location for a service station and does not in any way affect the general health, welfare and morals of the community. This will be a freestanding building and will be visible to the stores in the shopping center so the back of the station will be arranged in an attractive way with masonry or grill work concealing the back from view. The site contains approximately 18,630 sq. ft.

Was this gas station a part of the original plans for the shopping center, Mrs. Henderson asked?

It was not a part of the original site plan but was a part of the original concept, Mr. Fagelson replied. The original owners never made satisfactory plans with an oil company and due to a series of circumstances sold the property.

Mr. Yeatman asked Mr. Fagelson if putting the service station here would not be a disservice to the merchants in back.

Mr. Fagelson stated that the bank is there and it is not hurting them. Business has been quite satisfactory and if this were not a gasoline station, he did not think there would be any problem.

This station would delete a number of parking spaces for the shopping center, Mr. Yeatman pointed out. There were 808 parking spaces required for the shopping center.

They will find an equivalent number of parking spaces on the property, Mr. Fagelson assured the Board, and if they could not, under site plan, they would not be permitted to build the station. He felt that additional spaces could be marked off alongside the buildings and back of the theatre. Shell will lease the property from the present owners, Bradlick Center Associates.

Mr. Smith felt that the application should be amended to read Shell Oil Company and Bradlick Center Associates.

Mr. Fagelson agreed.

Mr. Smith read the following Staff report: "A site plan would be required for this use. The subject property was zoned CD on July 26, 1962. Site Plan #330 for the Designed Shopping Center was approved on June 3, 1963 and the service station was not part of that design. The Board of Zoning Appeals, in granting a use permit on January 14, 1964 for the theatre in this center required a total of 808 parking spaces for the center. 814 spaces were provided. Since this service station is proposed within the center's parking area, the parking would fall short of this Board's requirement by approximately 52 spaces." The highest use of the parking lot by the theatre would be in the evening and possibly this use might not conflict, but Mr. Smith said he did not see how the Board could contradict itself. They required a certain number of spaces at the time the theatre went in. This would mean a loss of 52 spaces.

Mr. Fagelson said he believed it would be more like 33 spaces.

The Board should have a plan to superimpose over the existing site plan, Mrs. Henderson said, to see if they could meet parking requirements. There is no sense in granting a permit if the property cannot be used.

The bank building was shown on the site plan of 1963, Mr. Yeatman pointed out, and the tenants knew that was going to be there but no gasoline station was shown.

Opposition: Mr. James Conroy represented the Security National Bank and presented a lease entered into in 1963 between Messrs. Juliano, Parzow and Goodwin, trading as Bradlick Shopping Center, and the Security National Bank. The lease is for twenty years dated 1963 under which the Bank is obligated to this building at a very substantial monthly rental. There is a clause in the lease which incorporates by reference the site plan which was included. There was nothing to indicate that a large chunk of the parking lot would be used for a Shell station. It would do tremendous damage to the bank to have their whole approach from Braddock Road obscured by the service station. There would be probably closer to 100 spaces lost.

If this were a freestanding small restaurant, would there be any objections, Mrs. Henderson asked?

They would object to anything being put there taking up parking spaces, Mr. Conroy said.

Mr. Tom Rothrock represented members of the Bradlick Shopping Center Merchants Association, Inc. in opposition. He read the list of members, twenty-three in all, and asked those in the room in opposition to stand. Twelve to fifteen people stood in opposition.

SHELL OIL COMPANY - Ctd.

Mr. Rothrock stated that the President of the Shopping Center Association, Mr. Lansburg, said that the applicant did not approach him as President, or any of the other merchants to get their feelings and they felt that it was bad faith on the part of the owner. The tenants signed their leases and were guaranteed 800 parking spaces and there was nothing in any of the leases saying that they would have to go along with any other building that might be placed in the parking lot.

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How fully utilized is the parking area, Mrs. Henderson asked?

Mr. Lansburg stated that on weekends the parking area is very full and holidays they don't have enough room. He added that he would not ask any of his employees to park in the rear of the stores as they have had some very bad experiences there with cut tires, etc. He operates the Ben Franklin Store and when he heard of this very bad catastrophe to the shopping center, he called Baltimore and was told that if Ben Franklin, Inc. had had any idea of this going in front of their store, they would not have signed the lease. They have been very pleased with their shopping center and feel that it is a very successful one. However, both the front and back of the stores are in deplorable condition. The owners are supposed to maintain the parking lot and the stores contribute to that maintenance. They all have their own trash cans and various people hauling trash and they have been paying their dues under protest. The owners have not been rendering the services for which they pay. After this meeting they intend to attain the services of an attorney and avoid paying the maintenance. They have brought this to the owners' attention several times but have had no results.

Mr. Rothrock reviewed the history of the rezoning application on this property. The shopping center was rezoned by a narrow vote and it was contemplated to be a neighborhood shopping center to draw upon the neighborhood and not upon those living a good distance away. At least two other applications in the immediate vicinity were denied for gasoline service station use.

Mr. Chate of Chate's Fashions stated that his business has been cut in half by the opening of Landmark. The gas station would obliterate his store. He did not think that it was needed in the area -- the station on the corner is very adequate for their needs.

Mr. Bennett, President of the Edsall Park Citizens Association, spoke in opposition. The gas station which exists now is a very attractive station and serves their needs. There is very limited space in the rear of the stores for parking and he showed pictures of the trash and debris on the shopping center property. If he had to park in the rear, he would find another place to shop, he said. This proposed service station will definitely affect their business. The Highway Department plans to close off one entrance which is close to the intersection and this will leave only one way into the shopping center. They are opposed to not only a gasoline station but to any additional commercial development in the area.

Mrs. Henderson read a telegram to Mr. Charles Majer from J. J. Rinkus, opposing the application.

Mr. Fagelson stated that Security National Bank has nothing in the lease giving them the right to object to a freestanding building. It has been indicated that this shopping center is operated in a very shoddy manner, that the owners are careless and have no consideration for the clients, he said. It was also mentioned that the screening fence has fallen down. The shopping center is a good one and the owners are not going to do something which would harm it.

Mr. Fagelson continued, saying he had a letter from Mr. Rivenburg (property consultant for the owners) who is in daily contact with various shopping centers. The letter states that the complaints have been turned over to the maintenance operators. The tenants are not helping things by throwing trash out of their doors or overfilling their trash containers. A purchase order is being issued this week for repair of the fence, and they hope that the tenants will help keep the parking lot clean. As to the proposed Esso station on the corner, this was turned down because it was not in a commercial area. This location is in a CD shopping center and if there is to be another gas station, this is the place. If one of the entrances is going to be closed by the Highway Department, no one has advised the owners of it.

Mr. Yeatman stated that he did not think the service station would be compatible with the stores in the shopping center. Taking up some of the parking spaces would have a detrimental effect and would cut off the view of the stores from the road.

The applicant is entitled to bring in additional information on the parking requirements, Mrs. Henderson said, and some people have stated that one access is being closed; this would affect her decision, she said.

Mr. Smith moved to defer to March 26 to allow the applicant to bring in an overlay to superimpose over the existing site plan showing how many parking spaces are existing now, how many would be taken out, and where they would make up the difference. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion. He felt that the application should be denied today.

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February 13, 1968

THE AQUINAS SCHOOL, application under Section 30-7.2.6.1.3 and 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool and extend age limit of children to 6 thru 12, 8334 Mt. Vernon Hwy., Mt. Vernon District, (R-17) Map 101-4, 45A, S-784-68

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Mr. Futtrell stated that many parents of his students have requested him to increase the age limit. His school has been selected as a model school of the U.S.A. The Montessori School system recommends a sprinkling of older children with the younger children, and the swimming pool is requested to give some additional training for the summer.

Mr. Charles Geschicter, parent, spoke in favor of the application.

No opposition.

In the application of the The Aquinas School, application under Section 30-7.2.6.1.3 and 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool and extend age limit of children to 6 through 12, 8334 Mt. Vernon Highway, Mt. Vernon District, Mr. Smith moved that the application be approved in conformity with original granting of April 13, 1965 and July 27, 1965 in conformity with staff recommendations. Apparently a site plan waiver request has been submitted to the Staff to be presented to the Board of Supervisors. The proposed right of way width of Old Mt. Vernon Road (Rt. 623) is 80 ft. or 40 ft. from center line; and on Mt. Vernon Highway (Rt. 235) is 166 ft. or 83 ft. from center line. The dedication of these road widenings is recommended. Under these conditions, the Board would recommend that the Staff recommend to the Board of Supervisors a waiver of site plan providing that these recommendations would be met. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

JAMES N. MALEADY, application under Section 30-6.6 of the Ordinance, to permit erection of carport and shed 4 ft. from side property line, Lot 96, Section 5, Hollin Hills, (2105 Popkins Lane), Mt. Vernon District, (R-17), Map No. 93-3, V-760-68 (deferred from Jan. 9)

Mrs. Henderson stated that she had viewed the property and there is room for a carport along the side of the house. The kitchen window is there, but an open carport would not cut off the light. There is only one large bush which would have to be transplanted.

In the application of James N. Maleady, application under Section 30-6.6 of the Ordinance, to permit erection of carport and shed 4 ft. from side property line, Lot 96, Section 5, Hollin Hills, (2105 Popkins Lane), Mt. Vernon District, Mr. Barnes moved that the application be denied as there is an alternate location for the carport and shed. Seconded, Mr. Smith. Carried unanimously.

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IRVING W. AND PAULINE M. STANTON, application under Section 30-6.6 of the Ordinance, to permit construction of small building 32' x 47' containing 2500 sq. ft. on state right of way line, east side of Backlick Rd., approx. 300 ft. south of Franconia Road, Mason District, (CN, Map 90-2 ((1)) 34, V-761-68 (deferred from Jan. 9)

Letter from the applicant's attorney requested deferral to February 27.

The owner of Gus' Broiler, adjacent property, was present, objecting to the application. The office building would create more traffic, he said, and it would be difficult for his customers to get in and out of the restaurant. He said he had offered the Stantons $2.00 a foot and they had turned it down.

The Board was told that you offered 50 cents a foot, Mr. Smith said. Perhaps an offer should be made to them in writing with a copy to the Board. This Board is set up to alleviate hardships and if there is a firm offer and these people can sell the land at a reasonable price, there is no hardship connected. This is a good price for the remainder of the property. If there is no hardship involved, the case can be denied.

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The application of ALVINE I. BETHUNE, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation in beauty shop as home occupation, Lot 33, Sec. 1, Brookfield, 4018 Mapleton Drive, Centreville District, (R-12.5 cluster) Map No. 44, S-758-68 was allowed to be withdrawn at the applicant's request.

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TUCKAHOE RECREATION CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of additional swimming pool, addition to existing bath house and tennis courts, 1814 Great Falls St., Dranesville District, (R-12.5) Map No. 40-2, 40-1, S-766-68 (deferred from January 9)

Mr. Brand stated that they will provide 232 parking spaces in accord with the Board's

request to provide 230. They are asking for a site plan waiver at this time and are prepared to asphalt in accord with Zoning requirements.

These gentlemen met in the Planning Engineer's office last week, Mr. Knowlton said, to discuss the waiver request and they reached a very complete agreement. The main thing that the County would gain from site plan would be widening of the road in front of this project, curb, gutter and sidewalk. The Staff agreed to the waiver on condition that a deceleration lane would be put in to the entrance in order to get the slow moving traffic off the main highway, and that they agree to the road widening, curb, gutter and walk at such time as the land to the south is developed, but not at this time. This would be a recorded agreement. There is also a problem with Public Works but there is no answer on that yet. However, he was sure that something could be worked on that too, Mr. Knowlton said.

Would the Staff also recommend that the parking lot be asphalted, Mr. Smith asked?

Part of the area is already asphalted and was paved two years ago, Mr. Brand stated. The other area has been kept in gravel for the past twelve years and they would asphalt that if absolutely necessary.

Mr. Knowlton said that the Staff did not think there would be any problem with the gravel area, it would probably be used on two occasions a year.

It might be better to have it left as it is now, Mr. Smith said, and if there is a time in the future when parking becomes a problem or they want to increase the use in any way, there might be a different feeling of the Board.

In the application of Tuckahoe Recreation Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of additional swimming pool, addition to existing bath house and tennis courts, 1814 Great Falls St., Dranesville District, Mr. Smith moved that the application be approved in conformity with revised site plan and plat submitted with the application, and in accordance with statements of Mr. Knowlton and the agreement reached with the applicants that they would do certain things in relation to site plan; the staff would consider a waiver of certain sections of site plan if other requirements were met; that the Board leave it up to the staff as to the amount of additional paved parking or asphalt parking areas that would be needed if 232 parking spaces are required. All other provisions of the original granting and the ordinance pertaining to this particular application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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The Board voted to require all applicants for use permits and variances to submit to the County a copy of the Sectional Sheet map showing their property outlined in red. This was at the Zoning Administrator's suggestion to insure that the correct property is posted.

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Policy

Mr. Knowlton asked for an interpretation of a section of the Zoning Ordinance - Section 30-2.2, setbacks in COH districts.

Mr. Smith moved that the Board adopt as a matter of policy that in a commercial or industrial zone, the facilities connected with above ground development should be allowed to utilize the entire area of land underground to within 1 ft. of all property lines so long as this does not conflict with utilities. No visible indication of the underground structure would be allowed other than an entrance or vent stacks, and these should not be placed within 25 ft. of the property line. This gives plenty of flexibility as far as stairways are concerned.
Also, though no motion was made, the consensus of the Board was that the 1:1 and 1:2 setback ratios in COH districts would apply only to the height in excess of 45 ft. (Example: a 145 ft. high building would have a 100 ft. front and a 50 ft. side and rear setback.)

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C & P TELEPHONE COMPANY of VIRGINIA - Mr. Smith moved that the "dedication" be deleted from the motion on the C & P Telephone Company application in conformity with plans of the Highway Department and Telephone Company, and as agreed upon by the Staff. This is the property at Gunston Road and Belmont Boulevard. 4. 10/10/67

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Policy

The Board discussed required setbacks under C-O, C-G, etc. from Interstate and Airport Access roads. No motion was made but the consensus of the Board was that the setback applied to any frontage where there is a limited access line or Interstate fence line.

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In the application of Young Associates, Mr. Knowlton said, the Board's motion was that this be approved in accordance with plat of November 21, 1967. Now they want to take both easements around the right side of the first lot rather than one pipe stem around each side of that lot. Would this be all right with the Board?

The Board agreed with the request.

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The meeting adjourned at 6:15 P.M.
By Betty Haines

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

March 6, 1968 Date

February 27, 1968

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 27, 1968, 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.

CLARENCE E. ODOM, JR., application under Section 30-6.6 of the Ordinance, to permit construction of addition 15 ft. from rear property line, Lot 6, Block 78, Section 7, Monticello Forest, 6206 Doncaster Court, Springfield District, (R-12.5 and R-10), Map 80-3 ((3)), 78, 6, V-786-68

Mr. Odom stated that he has owned the house since 1963 and his family has grown to where he needs additional space for them. The house was constructed around 1959 and the lot is odd shaped due to its location on a cul-de-sac. The zoning line runs through the property so that part of the lot is zoned R-12.5 and the other R-10.

The Board must take into consideration the health and welfare of the citizens of the County, Mr. Smith stated, and when five or six people are crowded into space that is not basic for their needs, there is a health problem. If this were a case where a family had just moved into the house, it would be different but these people have lived here for a long time and their family has grown. It would be in the best interests of the community that families have adequate livable areas on these small lots.

Mrs. Henderson said that she understood the problem and had sympathy for the applicant but the Board in granting variances on personal and financial considerations is actually effecting a change in zoning. When the lot does not conform to the zoning classification and it is in a very old subdivision, perhaps a variance could be granted, but not when the lot does conform to the requirements of the present ordinance.

This lot has an irregular shape, Mr. Smith said, and the application meets the criteria in the Ordinance. This is the only location where the addition could be put without exceeding what the applicant is requesting in this application.

The carport could be enclosed, Mrs. Henderson suggested. It would be the same length as the proposed addition and would only be 2 to 3 ft. narrower.

No opposition.

This is an unusual shaped lot, Mr. Smith stated. There is plenty of room on the property but not enough setback for the addition without a variance, therefore favorable consideration should be given. In the application of Clarence E. Odom, Jr., application under Section 30-6.6 of the Ordinance, to permit construction of addition 15 ft. from rear property line, Lot 6, Block 78, Section 7, Monticello Forest, 6206 Doncaster Court, Springfield District, Mr. Smith moved that the application be approved as applied for due to the irregular shape of the lot and to deny the application to construct a room to be used as a recreation or family room and not primarily for sleeping space would be denying him a reasonable use of his land. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the application as she felt that the existing carport could be enclosed to give almost the same usable space. The lot is irregular but she did not see anything different from other lots in the subdivision and in the County and she did not see that a 10 ft. variance was justified.

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+ Roach

EARL A. HANCOCK, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care operation, 25 children, ages 2 thru 5, hours of operation 7 a.m. to 6 p.m., 4616 Ravensworth Road, Annandale District, (R-10), Map 71-1 ((1)) 63, S-787-68

Mr. John Lally represented the applicant. The application is for a private school day care center, he stated. The house is located on the front of the property and the entire lot is very well landscaped. If the application is approved, Mr. Hancock will fence the property. There would be a maximum of twenty-five children, hours 7 a.m. to 6 p.m., weekdays only. Mr. and Mrs. Hancock have lived in the area for nine years and have two children. Mrs. Hancock will be helping with the school. Mrs. Roach will be the manager. She has lived in the area for over two years and has six children of her own. She has had considerable experience in day care and is now operating a day care center at her home in Springfield. There are few day care schools in the area and it appears that there is a need for another one. Mrs. Roach has a number of parents who wish to send their children to her present day care school but she cannot accommodate more than she already has. The school next door to this property in the Hope Lutheran Church is a Montessori school. Normally with day care schools, the two biggest problems seem to be noise and traffic congestion. The St. Michael's Church with 52 acres is located across the street from this property, the Hope Lutheran Church and Montessori School is to the north, and to the south is vacant land so there would not be any homes that would be affected by any noise. It does not seem that there would be any traffic problems. The greatest amount of traffic on Ravensworth Road would be on Sunday mornings when this school is not in operation.

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EARL A. HANCOCK - Ctd.

The main floor where the school would be conducted has five rooms and there would be offices in the two rooms upstairs, Mr. Lally continued. It is not planned at the present time for anyone to live in the house because the upstairs has no private bath. As far as parking is concerned, the survey prepared shows three parking spaces in front. They would like to have a gravel parking lot in the beginning and asphalt it later.

How many teachers would be employed by the school, Mrs. Henderson asked?

Mrs. Roach replied that there would be three teachers, one for each ten children. The children would be brought to school by their parents.

Mr. Barnes asked if the applicant were aware of the dedication referred to in the Staff report.

Mr. Hancock said he had discussed this with Mr. Lally and was willing to dedicate whatever is needed for the road.

If the applicant dedicates 10 ft. he will have to move the parking back 10 ft., Mr. Smith noted.

Mr. Hancock stated that he had received a list of things which will have to be done if the permit is granted and he will meet all requirements.

No opposition.

In the application of Earl A. Hancock, application under Section 30-7.2.6.1.3 of the Ordinance, to permit day care operation, 25 children, ages 2 thru 5, hours of operation 7 a.m. to 6 p.m., 4616 Ravensworth Road, Annandale District, Mr. Smith moved that the application be approved as applied for with the following conditions: that the parking meet setback requirements of 35 ft. after dedication of 40 ft. from center line of Ravensworth Road; if the site plan is waived that the dedication would include construction. In any event, dedication would take place as a requirement of this use permit and a deceleration lane if this is required. All other provisions of County and State Ordinances pertaining to day care centers shall be met. Seconded, Mr. Barnes. Mr. Smith amended the motion as follows: that the permit be issued to John E. Roach, Jr., Eleanor Elizabeth Roach, Earl A. Hancock and Joan L. Hancock as operators and directors of the proposed school. Permit is non-transferable. If any changes take place the applicants would have to come back to the Board or if the school is disposed of the new owners would have to come back for a new permit. Also the circular driveway shall be constructed and shall be part of the site plan to serve the use if the permit is granted. Seconded, Mr. Barnes. Carried unanimously.

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JOHN P. D. CRIST, (ATLANTIC REFINING COMPANY), application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, SE corner of U. S. #1 Highway and Gunston Hall Rd., Mt. Vernon District, Parcel A, James C. Cranford property, (C-D), Map 113 ((1)) 133, 134, S-795-68

Mr. Charles E. Taylor represented the applicant, stating that this is a planned division, 109 ft. along Route 1 and 317 ft. on Route 242. It is all under one ownership with Mr. Crist the principal owner of the property in the name of the Corporation. The service station and a Fast-Foods Store are all that is planned for this parcel of land. Mr. Crist is also principal stockholder of Fast Foods, Inc.

Mr. Smith asked if the applicant were aware that the State still has plans for construction of the Outer Beltway which might have some effect on the property. He stated that a two bay station would be more in keeping with the land area which might be left after the Outer Beltway is put in.

According to the County's plans, the Beltway has been dropped, Mr. Taylor stated. If it were put it, it would be to the south of their property with a ramp coming into the south boundary, and he understood that the plans were quite flexible. The Fast Foods building would be constructed of colonial pink brick, 61.4 ft. by 46.4 ft. There would be a sign along Route 1 and one on Gunston Hall Road.

Because Gunston Hall is a historic area, Mr. Smith said he did not think there should be any signs on the outside of Fast Foods other than the words "Fast Foods" and no freestanding signs at all in connection with the operation. This is not an area of competition, he said, and if this is to serve the community, they will know that the service station is there. The service station should be a two bay station for the present.

Mr. Price of the Atlantic Refining Company confirmed the statements that a three bay station was needed there.

Mr. Smith still felt that the station should be a two bay station to begin with, set back far enough so that another bay could be added in the future if there was room enough for it. Also, in granting the service station, it should be stated that nothing else can go on this parcel of land other than the Fast Foods Store and the service station.

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JOHN P. D. CRIST - Ctd.

Mr. Smith felt that action should be deferred to check on the road situation for this area in the future.

Mr. Price stated that he could appreciate the Board's thinking on signs, particularly on the Gunston Hall Road, but where they are located and with the traffic on Route 1, they would request that they be allowed to have their standard sign on the corner.

No opposition.

Mr. Smith moved to defer for sixty days to get more information on future road plans for the area. Seconded, Mr. Barnes. If the information is available before sixty days are up, the applicants could come back to the Board at that time. Motion to defer carried unanimously.

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SOUTHDOWN RIDING SCHOOL, application under Sections 30-7.2.8.1.2 and 30-6.6 of the Ordinance, to permit erection and operation of riding school and stabling and permit building closer to property line of outlet road, Lot I-1, Section 1, Southdown, Commonage Drive, Dranesville District, (RE-2), Map 3, ((4)) I-L, S-790-68

Mr. John Laylin and Mr. Astudillo were present.

Mr. Laylin stated that there are very fine stables on Southdown Farm, constructed in 1942. In their comprehensive plan for preserving the operations of the farm and making it an attractive place to live, the stables are an integral element of their design to enable them to stable horses and conduct riding lessons on the farm. The riding ring will be 120 ft. by 60 ft. In the future they might have to increase the boarding capacity of the barn from 32 to about 50 stalls which seems to give sufficient return in making it attractive for a responsible person to oversee the operation. They have shown the stable improvements as little wings to help break down the massive size of the barn. The whole concept has been developed both with residents of Southdown and the Great Falls community. They would keep the fields open and give an opportunity for first class riding instruction to youngsters in the area. It would not be restricted to the lots in Southdown but would be for the benefit of Southdown and the Great Falls community. They will have a membership committee, consisting of Mr. Laylin and two residents of the community. A person wishing to take lessons would fill out an application and the membership committee would pass on the application. The by-laws, application forms, rules of conduct and fee structure are being prepared now.

Mr. Smith felt that the Board should receive copies of the by-laws and membership requirements.

Mr. Astudillo stated that the United States is running out of qualified instructors. What he is trying to do in Southdown Riding School is to build basic and elementary knowledge of equitation and advanced horsemanship. This will not be a public stable. There are only four horses to give lessons, horses trained to teach the people.

This will be a school of special instruction and not a club, Mrs. Henderson commented.

They do plan to have clinics, Mr. Astudillo continued. The difference between a clinic and a horse show are that horse shows provide benefit and clinics do not. They have made arrangements for a three day clinic. The school is not in full operation at the present time. They have been giving instructions to people wanting it. They started in October and have thirty-eight people enrolled in the program now -- two families are from Washington and the rest are from the County. One family from Washington is willing to put up $10,000 to build the ring. Southdown will control the property and Mr. Astudillo will be responsible for the school and stable. They would like to start with the riding ring and in the future to add sixteen more stalls making a capacity of forty-six stalls. There are four training horses at present and they will have four students per hour in a class. They would probably have a total of six horses belonging to the school and would board forty horses for people and train them for riding. Members of the school cannot cross Commonage Drive; they must obey the instructor in charge of the ring and they must wear hard hats when in the ring. They will be covered by liability insurance and will be taught responsibility and obedience as well as riding.

Mr. Laylin stated that the Health Department has given conditional approval and they will comply with whatever requirements they might have.

No opposition.

In the application of Southdown Riding School, application under Sections 30-7.2.8.1.2 and 30-6.6 of the Ordinance, to permit erection and operation of riding school and stabling and permit building closer to property line of outlet road, Lot I-1, Section 1, Southdown, Commonage Drive, Dranesville District, Mr. Smith moved that the application be approved as applied for and as shown on the plats. The only variance requested

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SOUTHDOWN RIDING SCHOOL - Ctd.

is for existing buildings which have been on the property for a number of years. It should be pointed out also that Commonage Drive is a 50 ft. outlet easement and not a dedicated street and this is true of all the streets which are under the supervision and maintenance of the developer; that Southdown Riding School file a copy of their corporate structure prior to issuance of a use permit for the school; that the name of the person in charge be given to the Zoning Administrator and a telephone number so that he can be reached if necessary. All other County and State Code requirements relating to this type of operation shall be complied with prior to issuance of a permit. Seconded, Mr. Barnes. Carried unanimously.

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NANCY J. HESALTENE, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, 7912 Jackson Road, Lot 29, Block 14, Section 11, Hollin Hall Village, Mt. Vernon District, (R-12.5), Map 102-1 ((9)) 14, Par. 29, S-788-68

Mrs. Hesaltene stated that she is now employed in a commercial beauty shop and finds that the pace is too much for her and she does not enjoy working at such a pace. She has three children at home and feels that they would be benefitted if she were at home working. The nearest beauty shop to her home is about eight blocks away. The customers would come from the neighborhood. She would work three days a week from 9 a.m. to 5 pm. and would be open one evening for women who work. She would work some Saturdays but would not like to be tied down to every Saturday. This would be a one chair operation and she would be the only operator. There would be no advertising and no signs. She would rather not put in a parking space as this would detract from the residential character of the neighborhood. There is room for one car in the driveway.

No opposition.

In the application of Nancy J. Hesaltene, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, 7912 Jackson Road, Lot 29, Block 14, Section 11, Hollin Hall Village, Mt. Vernon District, Mr. Barnes moved that the application be granted for a one chair operation, no advertising, and that Mrs. Hesaltene regulate her schedule to see that there will not be two cars there at the same time; there should be adequate parking for one car at a time in the driveway beyond the setback line. She must comply with County and State Ordinances and comply with requirements of the Inspections Divisions. Seconded, Mr. Yeatman. Carried unanimously.

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CITIES SERVICE OIL COMPANY, application under Section 30-6.6 of the Ordinance, to allow corner of building on right of way line of Old Route 123 and pump islands closer to new #123, south side of Chain Bridge Road, approximately 1000 ft. east of Fletcher Street, Dranesville District, (C-G),

Letter from the applicant's attorney requested deferral to March 12 as the notices had not been sent out. Mr. Smith moved that the application be deferred to March 12. Seconded, Mr. Barnes. Carried unanimously.

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JAMES L. McILVAINE, application under Section 30-6.6 of the Ordinance, to permit erection of office building closer to side property line than allowed by Ordinance, Lot 189, Section 7, Sleepy Hollow Manor, located on Route 7, (Leesburg Pike) and at the end of Shadeland Drive, Mason District, (C-O), Map 51-3 ((11)) 189, V-795-68

Mrs. Henderson stated that she would not take part in the discussion nor vote on the application as her husband is associated with Mr. McIlvaine, though not in real estate.

Mr. John T. Hazel, Jr., represented the applicant, stating that Mr. McIlvaine intends to erect an office building on the property. The reason for their being present at this hearing is based on the fact that an interior lot line under County Ordinance and policy is considered to be a property line, Mr. Hazel said. Mr. McIlvaine intends to erect a six story building when actually a nine or ten story building would be allowed in that zoning category, but at the time of rezoning it was represented that the building would be six or seven stories depending on how it came out with the elevations on Route 7. The County Ordinance requires a 2-1 setback above 45 ft. Accordingly on the side line the setback, if you impose County Ordinance and consider this to be the property line with another owner on that side, the setback would be 42 ft. It would be next to impossible to make 42 ft. because 190A is under lease to Lord and Taylor for parking and would require considerable subdivision and site plan approval. They have worked with the neighbors on Shadeland Drive and think they will have no objections. When 189A is vacated and the cul-de-sac is relocated, they will provide appropriate buffers, screening, etc. They are simply asking a variance to allow the location of the building at the point indicated, 4 ft. from the property line. They would put the building in another location which would not be as desirable because of the topography of the lot. They wish to keep the building below the ridge line to minimize the height of it and make a better appearance.

Mr. Smith commented that the application meets all setback requirements from Leesburg

Pike and the only variance would be from the Lord and Taylor side. This meets all parking requirements.

No opposition.

In the application of James L. McIlvaine, application under Section 30-6.6 of the Ordinance, to permit erection of office building closer to side property line than allowed by the Ordinance, Lot 189, Section 7, Sleepy Hollow Manor, located on Route 7, (Leesburg Pike), and at the end of Shadeland Drive, Mason District, Mr. Yeatman moved that the application be approved and include the following Staff report as a part of the motion: a site plan would be required for this use. The dedication for service drive along Route 7 is recommended. The vacation of a portion of Shadeland Drive will be required prior to site plan approval. It is noted that this building could be constructed within the setback if moved westward. It is also recommended that no access be allowed from the parking facilities to Shadeland Drive. Seconded, Mr. Baker. Carried 4-0, Mrs. Henderson abstaining.

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DEFERRED CASES:

JOHN C. & RUTH E. JONES, application under Section 30-6.6 of the Ordinance, to permit erection of fence 6 ft. high 20 ft. from Utterback Store Rd., Dranesville District, (440 Utterback Store Rd.), (RE-2), Map 7 ((1)) 1A, V-746-67 (deferred from Dec. 5)

The application was deferred from December 5, Mrs. Henderson stated, for a representative of the fence company to be present and for the Board to view the property.

Mr. Jones stated that he had not notified the fence company of the hearing, he thought the Board would do it.

Mr. Smith stated his unwillingness to require the applicants to move the fence back at their expense at this time unless it could be proven that the fence is detrimental to the community.

Mrs. Henderson said that she had viewed the property and felt that the fence should be moved back to the setback line. If the Jones' had inquired about the height of the fence they would have been told and the fence could have been put up properly. There is plenty of room. The applicants are responsible for their agents.

Mr. Yeatman felt that the argument should be between Mr. Jones and the fence company.

Mr. Smith asked the Board to request the fence company to send a representative to the hearing to discuss the matter before making a decision. Fence companies are required to be licensed with the County and should be aware of County regulations. Had a building permit been necessary for the fence, it would not have been put there. This is where the County has failed to exercise some control. If this is classified as a structure, then a building permit should be required.

Mr. Louis Leigh, Jr., representing Mr. Louis Facchini, objected because he had not been notified of the hearing. The application was supposedly deferred to February 28 he said, and the Board was supposed to notify him of the hearing. Mr. Facchini is in the hospital and would like the application to be acted upon at this time.

In all fairness to everyone involved, including the applicant, Mr. Smith said, he was not willing to request the applicant to bring the fence into compliance with the County Ordinance. From information presented today, nothing has been shown that Mr. Jones is responsible for placing the fence in this location. He hired a contractor to do the job and we have not been able to find out whether he is licensed with the County. This should be deferred for additional information.

The Board cannot make the fence company move the fence, Mrs. Henderson said. They are not the applicants. The owner of the property must make the company move it.

If the fence company is not licensed with the County, Mr. Smith said, the Board can require them to place the fence in the proper location at no cost to the applicants.

Mr. Smith moved that the application be deferred to March 26; that the Zoning Administrator should write the fence company a letter asking them to have a representative present at the next hearing -- Walter M. Keene, 4408 S. First St., Arlington, Virginia Certified or Registered Mail. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voting against the motion as she felt the case should be denied today.

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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, Falls Church District, Lot 44, Section 1, Pine Ridge, (RE-1), Map 59-1, V-728-67 (deferred from January 9)

JAMES THOMPSON - Ctd.

Mr. Duvall, representing the applicant, stated that they made application in the Building Inspector's office for a dwelling on the property. It was turned down in Streets and Drainage on the basis of Mr. Coleman's marking off of the flood plain. They are now requesting the Board to either grant a variance on setback requirements, or as an alternative, to allow them to put one corner of the building in flood plain.

Mrs. Henderson stated that the Board has no authority to grant permission to build in flood plain. By removing the proposed front porch, the variance request could be reduced by 8 ft.

They plan to construct a colonial split foyer, Mr. Duvall stated. This is an old subdivision. The man has owned property for over fifteen years and is not a developer or builder. The applicant has paid taxes on the basis of a buildable lot all this time.

Mr. Smith felt that Mr. Thompson would be entitled to a reasonable use of his property, especially since he has owned it for a number of years with the idea of constructing a home on it. A twenty-eight foot house is about as narrow as you can make it, he said, but it seems that the house could still be moved back a couple of feet to get the 40 ft. from Highland Lane, but if this is not possible, the motion should be flexible enough to move it forward another foot.

Mr. Duvall assured the Board that the house would be built back as far as possible.

In no case closer than 38 ft. from the property line, Mrs. Henderson added.

Mr. James White of Streets and Drainage stated that the building permit application was denied in view of flood plain limits put on the plat by Mr. Coleman. Mr. Coleman makes his determinations by taking soil samples. There was another building permit application on the same property about four years ago and it was denied at the normal setback.

Mrs. Henderson commented that the proposed location seems to be the only buildable location on the lot and it has been agreed that the front porch on the house would not be constructed. The Board has to grant some relief because if it is not granted, it would amount to confiscation of the property.

Mr. Smith asked Col. Wall if it would make any difference whether the front porch were constructed or denied, since he is the one who would be most affected by the construction.

Col. Wall replied that it did not make any difference as far as he was concerned. He did not want to deny them a front porch on their home. The drainage situation is what is concerning him most.

In building on this lot, how can the Board avoid putting water onto Col. Wall's property, Mrs. Henderson asked?

If any fill is placed in the rear of this lot, it is definitely going to affect Col. Wall's property, Mr. White stated. As long as the house is out of flood plain it will not affect Col. Wall's property. Looking at the house from the street, according to Mr. Coleman's notation, the limitation of the flood plain would come within 2 ft. of the left hand property line.

Will the flood plain line be marked in some way so that a layman can see if it is being violated, Col. Wall asked?

The Building Inspector's office and the Zoning Administrator will see that there are no violations of this restriction, Mr. Smith assured him, and if the builder violates the restriction, the house cannot be occupied. It is very important that this be observed.

No further variances would be granted, Mrs. Henderson said, and the owner would be held responsible and would have to tear down the house.

In 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, Falls Church District, Lot 44, Section 1, Pine Ridge, Mr. Barnes moved that the application be granted in part for construction of the house on the lot no closer to street line than 38 ft. and on the side, if it is possible after looking at the flood line drawn by Mr. Coleman, if the house can be moved back any farther to do so to make the side line larger than 15.2 ft. The front porch will be removed and no fill put in the back whatsoever. All other provisions of the Ordinance are to be met. Seconded, Mr. Yeatman. Carried unanimously.

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RALPH KAUL, application under Section 30-7.2.10.5.9 of the Ordinance, to permit erection and operation of motel (120 units), SW corner of Old Dominion Drive and

February 27, 1968

RALPH KAUL - Ctd.

Poplar Place, Dranesville District, (C-G), Map 30-2 ((1)) 18, S-733-67 (deferred from January 23)

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Mrs. Henderson read a letter from the applicant requesting deferral for thirty days.

Mr. Yeatman moved to defer to March 26 at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

Is it possible for the Staff to make a study, Mrs. Henderson asked, because she felt that 1 1/2 parking spaces per unit was an arbitrary figure.

The Staff made a study previously, Mr. Knowlton stated, and came up with the 1 1/2 space per unit figure. This might be different because the ones involved in their research had convention centers or restaurants. Perhaps one space per unit would be enough plus enough to take care of the staff and the linen trucks, etc., he suggested, if the motel had sleeping accommodations only.

The statement was made that there was to be a small restaurant or meeting center, Mr. Smith said. Secondly, the Board should plan for the future needs of the motel.

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The application of LITTLE RIVER PROPERTIES, INC. was deferred to March 26 to allow the applicant to notify the two adjacent property owners, the State Highway Department, and the Lance Motel.

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IRVING W. AND PAULINE M. STANTON, application under Section 30-6.6 of the Ordinance, to permit construction of small building 32' x 47' containing 2500 sq. ft. on State right of way line, on east side of Backlick Road approx. 300 ft. south of Franconia Road, Mason District, (C-N), Map No. 90-2 ((1)) 34, V-761-68 (deferred from Jan. 9)

Mr. Hazel presented new plats showing the current proposal. They have moved the structure and redesigned the building in accord with Mr. Smith's comments at the last hearing, he said. They have pulled it in 4 ft. from the right of way line and have put on an overhang so there will be room to put a sidewalk along the right of way. There would be pillars along the side to hold the overhang. He has discussed this with Mr. Patterson and reviewed his files. The property is assessed at $9,100 which is over $1.25 a foot. There are no provisions for removal from the tax rolls, however, if the permit is denied, it might be worth a good deal less, and if granted, worth more. Mr. Stanton visited Mr. Patterson in 1966 and after considering the problems involved, he declined to change the appraisal. Since the last hearing, Mr. Hazel said, he understood that the adjoining neighbor who had originally indicated no objection, appeared in opposition and now has obtained the services of an attorney. This application is before the Board under Chapter 30 allowing the variance in case of especially irregular shaped, shallow or narrow lot, and the Board must determine whether there are unusual circumstances. The State took part of the applicant's property, leaving him with this situation. This was not through any action of the applicant. The type of allegation made in Mr. Fried's letter shocks him, Mr. Hazel said.

Mrs. Henderson read the following letter from Mr. Fried:

"February 15, 1968

Mr. John T. Hazel, Jr.
10409 Main Street
Fairfax, Virginia 22030

Dear Til:

Please be advised that we represent Court House Grill, Inc., whose President, Mr. Costas Pieri, has consulted with us concerning the application of Mr. and Mrs. Irving W. Stanton for a variance that would allow them to build an office building on their narrow strip of property containing approximately 7,200 sq. ft., located on the east side of Backlick Road between Court House Grill Inc.'s property and a new State right of way containing 14,508 sq. ft. (proposed Access road "A").

Mr. Pieri has requested that we advise you that he is inalterably opposed to the granting of a variance that would allow the construction of an office building of approximately 3,000 sq. ft. on this narrow strip of ground. He feels that the construction of this type building would inflict an unnecessary and unfair economical hardship on his business. Mr. Pieri is of the opinion that the present undesirable traffic and parking situation would only be aggravated if the variance was granted.

In an attempt to be fair and equitable, our client has instructed us to offer your clients Two Dollars ($2.00) per square foot, subject to an accurate survey, for their property. Settlement would be made within

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thirty days, or as soon as title can be examined. Payment would be all cash at the time of settlement. If this proposal is acceptable to your clients, please advise so that a formal contract can be prepared and executed.

By offering your clients $2.00 per square foot in cash, my client feels that he is adequately compensating them for their property and is helping to preserve his own business, which is built on years of plain old hard work and sweat.

This offer shall be held open until March 1, 1968.

I shall look forward to hearing from you. With warm personal regards.

Sincerely,
(S) B. Mark Fried"

This is the same gentleman who told the Stantons he had no objection to the proposal as originally filed, Mr. Hazel said. The real question here is in the case of the irregular lot -- is what they propose a reasonable use for the property? The financial background was portrayed to show the Board that this was not a situation which the Stantons created and benefitted from, but were subject to. $2.00 a foot is not a fair value in this area. The Board is charged with determining whether the use is reasonable. The lot is irregular and the Stantons did not cause the problem.

Mr. Smith asked Mr. Hazel what, in his opinion, constitutes a building lot? This lot is really minus the requirements as to setback for the building. He expressed concern for people who were left with small parcels of land such as this. Whether the Highway Department paid them enough to compensate for the land that was left over is questionable. They paid them a certain amount of money and in that is the wordage that no additional damages were to be sought. $3.00 -- if that is what it was at that time -- seems to be a little above the going rate for land in that area and the going rate today may be more than $2.00 per foot, but if the adjoining owner purchased it, he could not use it for building purposes. Mr.Smith felt that the Board had done everything possible to make some use of this land. There was some indication that the adjoining owner had offered 50 cents a square foot for the property and he did not think that was a fair price at all. But, with the offer of $2.00 a foot, the Stantons are in a position to realize something from this land to alleviate the hardship of paying taxes on it and not being able to utilize it. The only hardship involved seems to be financial hardship.

Mr. Hazel stated that he had never quoted the 50 cents per foot -- there was prior counsel on this.

A buildable lot has to have some buildable area that meets at least a degree of zoning requirements as set forth in the zone it is located in. This lot meets none of those requirements, Mr. Smith said. The fact remains that the Stantons waived damages to the remainder of the tract, Mr. Smith continued. He would not like it construed that the Board had anything to do with the offer to purchase other than the fact that the testimony in the original case was that the adjacent property owner had offered only 50 cents a foot for the land. Granting the variance would in reality be creating land that is not there and they are minus what they need to build on it now. It should be left up to the owners whether they want to negotiate or accept this offer. The Board might like to defer action to see if this could be worked out.

Mr. Hazel stated that this proposal would come under the Board's authority to grant a variance on condition that not to grant it would deprive the owner of a reasonable use of the land. The Board is specifically required to exclude any allegation of financial hardship.

The Code also states that narrowness, etc. of specific property must have at existed the effective date of the Ordinance, Mrs. Henderson said, which, of course, it did not. With this offer it seems they have a reasonable use of the property. The use of the property is not prohibited.

If the Board were to grant this application, it would set a precedent that could very well come up in any other area where land has been left such as this, Mr. Smith stated.

Mr. Fried described the circumstances which took place the day the letter was written. He was occupied in his office when Gus, the adjacent property owner, came into his office and described the problem concerning the variance. He told him that he would be unable to take him on as a client. Gus felt that real harm would be done there if an office building were constructed next door.

The parking spaces for offices in the area now are inadequate and if another office building were granted in this location, what is going to stop the people from parking in Gus' parking lot next door? They do not wish to prohibit the Stantons from having a reasonable use of their property. In order to be fair, and at Mr. Gus' urging, and in his presence, Mr. Fried said he dictated the letter which was just read. Gus also told him that at no time did he offer 50 cents a foot for the property, and at no time did he acquiesce with the proposed use. If the condemnation did not take into consideration residual damage to the remaining property, perhaps the Stantons should have seen that it did. No research was done at the time the letter was submitted, but in the best interests of Gus and the community, he would urge that the application be denied.

The supports for the overhang are on the property line, leaving no distance between the property line and the building itself, Mr. Smith said. The fact still remains that the entire building would be constructed on what amounts to a non-usable parcel of land. The Board gave a lot of consideration in this application because the Stantons were paying taxes on property and wanted to make use of it but since there is now an offer to alleviate that situation, the Board should defer action to allow it to be worked out.

This is an area of financial gain or loss, Mr. Hazel said, and the Board cannot consider this.

Mr. Yeatman moved that the application be deferred to March 26 for further study. Seconded, Mr. Barnes. (For decision only.)

Mr. Smith added that he hoped the applicants would either reconsider or withdraw the application in the meantime. Motion carried 4-1, Mrs. Henderson voting against the motion. The application should be denied today, she said.

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HESS OIL COMPANY, application under Section 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection and operation of service station closer to Telegraph Road, west side of Telegraph Road approximately 800 ft. south of its intersection with North Kings Highway, Lee District, (C-D), Map No. 83-1, S-780-68 (deferred from Feb. 13)

Mrs. Henderson stated that she had viewed the property and still felt that the "HESS" across the top is a sign. Furthermore they vary, she said. The City of Fairfax station has it on the sides also, and the City of Alexandria has two "HESS" in front.

Only one is proposed in this case, Mr. Aylor said, and what Mr. Grossman called the facade is really the roof of the building. Mr. Grossman is the manager of the Hess real estate department. They would be willing to remove the one from the right and have only one name on the building and one free-standing sign.

The station on Route 7 was very neat, Mrs. Henderson commented. She was the one who objected to the cinderblock wall at the last hearing, she said, but found that one on Route 7 to be very attractive. It was broken by colored doors.

Mr. Smith still held to the feeling that the Board should not require one distributor to build stations of one material and allow another one to use cinderblock.

This is a completely different operation, Mrs. Henderson said, and it has taken several architectural prizes.

They know that a brick wall will not hold paint as well as this block will, Mr. Grossman stated, but they will be glad to use whatever the Board requires.

In the application of Hess Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, west side of Telegraph Road, approximately 800 ft. south of intersection with North King's Highway, Lee District, Mr. Yeatman moved that the application be granted with one sign "HESS" over the building and one freestanding sign. The building will use either brick or architectural block painted white. All other provisions of the Ordinance shall be met. (Only one HESS sign on the right side of the building, nothing on the end of the building, and one freestanding sign.) No variances are required -- the building will meet all setbacks. Seconded, Mr. Smith. Carried unanimously.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Skeet and trap shooting facility

This is not a rehearing of the case, Mrs. Henderson stated, and there is no intent to revoke any permits. Everybody is here to discuss the matter of noise which seems to have become something of a problem, and to go over the decibel tests made by the General Testing Laboratory. Without going over the figures, Mrs. Henderson read the following:

"26 February 1968

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

Dear Mrs. Henderson:

In accordance with your letter of January 30, 1968 I have reviewed the sound measurement data made for Mr. Paul Smith and for the Bull Run Shooting Club. The present Zoning Ordinance, Chapter 30, Paragraph 5.2, shows acceptable noise limits. I am not familiar with the area around the Bull Run Shooting Club with regard to zoning, however, a review of the Zoning Ordinance indicates that the acceptable limits are either 5 or 10 db below those of Table I. For purposes of comparison with actual measurements we will assume a correction factor of -5 db.

Data taken outside at the Paul Smith residence is summarized as follows: (See report in folder for figures which were not read into the record.)

The equipment used to take all measurements is the standard sound level measuring equipment prescribed by the American Standards Association and referred to in Chapter 30 of the Zoning Ordinance. The all pass figures are measurements of the overall sound level and are included as additional information, however, the octave band levels called out in Table I of the Zoning Ordinance are the actual requirements.

An examination of the data given above indicates the following noise levels outside the Paul Smith residence: (See report in folder.)

The above information indicates that the noise level does increase during shooting intervals, further, that this increase is in the 300 cycles per second and below bands. Above 300 cycles per second, roadway traffic appears to be the primary influence on noise levels. An examination of the information taken at Bull Run indicates noise levels lower than that taken adjacent to the Smith residence at frequencies below 300 cycles per second. However, noise levels are significantly higher during periods of non-shooting around the Bull Run Shooting Club at frequencies higher than 300 - 600 cycles per second. The two runs taken at the Bull Run Shooting Club differ primarily in timing. Noise measurements were taken between 3:30 and 4:30 during one run and between 4:40 and 5:20 for the second run. Rush hour traffic was incurred during the second run, whereas normal traffic loads were incurred during the first run. It can be seen from the data that the overall noise level rises 15 db when Route 66 is heavily traveled. It can also be seen that a great deal of this increase in noise level occurs above 300 cycles.

During the all pass measurements taken December 9th outside of the Smith residence approximately 20 transitions from shooting to no shooting or from no shooting to shooting were measured, that is, two measurements taken only seconds or minutes apart were made, one with shooting in the background and one without. This information shows an average noise level rise of 5.6 db with shooting in the background.

The above information provides an analysis or data reduction of the sound measurements made both at the Bull Run Shooting Club and at the residence of Mr. Paul Smith. This information is in more complete form in General Testing Laboratories' Reports No. A-2533 dated 18 December 1967 and A-2534 dated 15 December 1967 and 8 January 1968. In general the data indicates that at frequencies below 300 cycles shooting background affects the noise level. Whether this effect pushes

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the noise level beyond the requirements of Chapter 30, Paragraph 5 of the Zoning Ordinance depends primarily upon the use of the correction factors. If the site is across the street from the boundary of an R district the limits given in this discussion should be reduced 5 db. The Table I limits have in this discussion been reduced 5 db due to sound of impulsive characteristic. If we go to the correction factors table we find that the acceptable level may be increased if the sound source is operated less than a certain portion of any one hour period. For the purposes of this discussion no increase in the limit was assumed.

To summarize, it appears that shooting in the background will raise the noise level at the lower frequencies. Whether this level is just below or just above the acceptable limits depends upon the use of Table II correction factors of Chapter 30 of the Zoning Ordinance. It is clear that the noise level above 300 cycles per second is primarily generated by road noise and/or aircraft.

An attempt in this letter has been made to make a clear presentation of the data taken. No attempt has been made to judge whether the noise level is acceptable or non-acceptable. If there are any questions concerning the above information please do not hesitate to get in touch with me.

(S) A. M. Maher, Vice President
General Testing Laboratories"

Mrs. Henderson commented that she thought everyone would admit that noise is a very subjective thing and that is why it is so difficult to determine. Also, she felt that the harder one listens for a noise, the more apt they are to hear it. Some noise might bother some people and might not bother others. Apparently the decibels produced by the shooting are within an acceptable range.

Mr. Paul Smith was present and restated his reasons for opposition, and requested that the operation do something to cut down on the noise.

Mrs. Henderson asked Mr. Paul Smith for suggestions on how to cut down on the noise.

He did not know the answer, but someone in the United States must know what could be done, Mr. Smith replied. He played a tape recording to demonstrate what the noise sounded like from his property.

Is it not possible to put silencers on these particular guns which are used, Mrs. Henderson asked?

Mr. Rodin said that there were silencers for the guns but under the Fire Arms Control Act they could not use them without paying $500 tax on each gun. The guns are rented for 25 cents each to the public.

Mr. Dan Smith stated that this was basically for other reasons. It was set up in the Fire Arms Act years ago mainly because people were using these in gang wars in large cities. He did not believe the Federal government meant to restrict the use to this degree. Perhaps someone could investigate the possibility of getting a waiver of this control.

Mr. Edward D. Anders, acoustical physicist, said his information was that the silencer part of the Act deals with any arm which is capable of being discharged with an explosive. This would include shotguns. He is presently in charge of the experimental project which the NRA has put about one-half million dollars into in the last two years. They are in the process now of trying to find out the design of various mufflers or silencers which would be off of the gun. He would not anticipate any Federal law being changed to allow a silencer although the silencer itself would be a great boon. A silencer is not really a true silencer. Obviously some guns are louder than others and the only gun that can truly be silenced to a point is a 22 cal. rifle or pistol and the bigger the bore the louder the noise.

To Mr. Dan Smith's question as to having observed the operation or demonstration of silencers on a 12 or 14 gage shotgun, Mr. Anders replied that he had not observed any such demonstration. There are things that can be done, however, and he believed that Mr. Rodin has done a lot toward helping the noise situation. He has planted a good deal of plantings, trees, etc. which do help break up the sound, especially evergreens. There are also some landscaping tactics that can be used to help break up sound. There are methods of baffling the sound and reflecting it in different directions which might be helpful. This is something they are just getting into -- it is still experimental at this stage. At this point he was not willing to make any statement as to however effective this might be, he said.

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NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Skeet and trap shooting facility - Ctd.

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Have you had any experience in this kind of outdoor operation this close to residential areas, Mrs. Henderson asked?

There have been some cases, Mr. Anders replied, though he did not feel qualified to say exactly what the situations have been. There is an experimental facility in Maryland in a residential area which is much closer than this.

Mr. Yeatman suggested taking a look at the Capitol Skeet Club to see how it operates.

Opposition:

Four of Mr. Paul Smith's neighbors were present in opposition.

Mr. Fred Fink, living on Compton Road a quarter-mile from Mr. Smith's house, stated that he had been in Mr. Smith's house and had heard the noise from the shooting. From his own house, the noise is just as offensive as from Mr. Smith's home. The weather also makes a difference -- when there are low lying clouds, it is almost like the shooting is in the back yard.

Is there any tendency at all to become adjusted to the noise, Mrs. Henderson asked?

A person might be able to get adjusted to frequent noise as long as it is not deafening, Mr. Fink said, but this is an infrequent noise, more of an unexpected type of thing.

Mrs. Williams stated that she lived about one-quarter of a mile directly behind Mr. Fink's house. Everyone in the area notices the noise very much. People living as far out as London Towne have expressed their feelings about the extreme noise. She has lived in this area for twelve or thirteen years.

Mrs. Yates, resident for twenty-three years, living across the road from the Finks, said that she is home every day and the noise is terrible. Her husband is a hunter and she is used to guns, but the banging noise from this operation makes her very nervous. Sometimes after they go to bed at night they can still hear it.

Mrs. Wallace, resident of nineteen years, living next door to Mrs. Williams, also expressed concern about the excessive noise.

There have been two occasions when the noise went beyond 9:00 p.m., Mr. Rodin explained, but only a few minutes over. The paid managers have been reprimanded for that. They have now set up a rule that no one will start shooting twenty minutes prior to 9:00 p.m. because it takes twenty minutes to shoot a round of skeet and twelve minutes for a round of trap. No other customers are allowed to come in. Those on the fields are allowed to finish if they can finish before 9:00. Some people have been refunded their money when they have had to stop them from shooting, with only three more shots to go. They have not gone beyond the 9:00 p.m. hour since Christmas.

Mr. Richard Hobson submitted numerical summaries of sound test results for the record. They essentially do not differ from what the engineer said, and from these readings it is impossible to determine what noise is from the shooting as opposed to traffic and shooting together.

Mr. Winslow stated that 2,000 seedlings were planted last fall and in addition, 800 seedlings have been recently planted. 9,200 more will be planted within a week. Now in addition approximately 100 full grown cedar trees have been planted -- 6 ft. cedar trees. They have been advised that a brush barrier could have a significant effect on the sound. That is a question which was brought up by Mr. Dan Smith but the Fire Marshal would have to approve it.

Mr. Paul Smith told the Board that friends of his living near the Chantilly Country Club can hear the sounds from the shooting range on certain nights. The seedlings would not help because it will take ten years for them to be grown and by that time he will be forced to move.

They will explore the possibility of the brush barrier, Mr. Hobson said, and will start just as soon as the Fire Marshal will permit them to. They will also keep the Board informed as to what is going on. Mr. Rodin can send a letter within 45 days telling the Board what has been done.

There was some discussion of the name listed on the use permit granted to the operation.

Mr. Smith felt that it should have been issued to the Park Authority and the two operators since the application was made in that manner and moved that the permit that was issued be recalled and a new permit be issued with the same stipulations as in the original permit, to coincide with the occupancy permit, and have Mr. Rodin return the old one which was issued to the attorney rather than the applicants. Seconded, Mr. Yeatman. Carried unanimously.

February 27, 1968

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY - Skeet and trap range - Ctd.

Mr. Paul Smith asked if they would be able to add any other equipment without coming back for a public hearing and how long would the permit be good for.

The Zoning Administrator can give renewal of the permit after three years, Mrs. Henderson said, making a total of six years.

Mr. Archer, speaking for the National Rifle Association, assured the Board and Mr. Paul Smith that theywere extremely interested in helping the citizens get the noise level down to where it would satisfy them. The NRA has shooting ranges all over the country with troubles of this type and if they can develop something here which would satisfy the people living around it, they could help others in the country with the same sort of proposal.

The Board will have a report within thirty days of what steps are being taken, Mrs. Henderson stated, and the change in the permit name will be taken care of. She was sorry that there had been a problem.

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The meeting adjourned at 6:00 p.m.
By Betty Haines

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

May 24, 1968 Date

March 12, 1968

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 12, 1968 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.

WESTMINSTER SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school in existing building, maximum of 25 children, and permit erection and operation of proposed building, maximum of 400 children, hours of operation 8:30 a.m. to 3:00 p.m., five days a week, 3811 and 3819 Gallows Road, Annandale District, (R-12.5), Map No. 60-3, S-791-68

Mr. Stephen Best, attorney, stated that the school is now in operation in the St. Alban's Church. He introduced Mrs. Goll, Director, and Mr. Weber, architect, and stated that Mrs. Goll's husband is Secretary of the school. There were five parents present in support of the application.

The school has been in operation since 1962, Mr. Best said, leasing the St. Alban's Church property. At the time the school began, the operation was satisfactory, however, the enrollment soon increased and the demands for additional enrollment and for grade increase made it necessary for them to seek other space. They have now purchased the 4.25 acres on Gallows Road. For the year '68-'69 they would like to use the existing house for the seventh and eighth grades for a maximum of twenty-five students. They would like to construct a new school behind that one housing a maximum of 400 students, opening September 1969. For the coming year they would like to be able to have one entrance with turnaround space. A part of the frontage would be dedicated and there would be widening to cut down the sharp angle of this property. Visibility would be satisfactory.

The other residence shown on the plat is not connected with the plans for the school, Mr. Best continued. It is being leased and when the lease runs out and the new building is constructed it will be razed as will the other accessory buildings. Two rooms of the existing house on the first floor will be used for the school; the second floor would be used for office space and the bottom floor for dining and recreational facilities during inclement weather. The building will conform to all reports from the Inspections Division of the County. The school goes through the sixth grade now with an accelerated class that is doing seventh grade work. The old building would be used as an administration building when the new building is constructed. He presented a three page petition in favor of the application.

Mrs. Henderson read the following letter from Mr. and Mrs. Vear:

"3801 Gallows Road
Annandale, Virginia 22003
March 7, 1968

Dear Mrs. Henderson:

This letter concerns rezoning application No. S-79168 filed on behalf of Westminster School, Inc. As owners of property contiguous with 3811 Gallows Road we were informed in February by Mr. Christian J. Goll, Secretary of the school, of plans to acquire the Riley property; also, in a letter dated February 27, 1968 from McCandlish, Lillard & Marsh, attorneys for the school, we were officially notified of a public hearing for a special permit.

We request that the substance of this letter be communicated to each member of the Board, entered into the record of the hearing, and that consideration be given to incorporating into any permit granted the limitations set forth herein. It is not our intention to appear at the hearing scheduled to begin at 10:00 a.m., on Tuesday, March 12, 1968.

We favor the granting of a permit in response to the application filed by Mrs. Jane L. Goll to operate a private school on the former Riley property, provided that the following stipulations are incorporated in the permit:

1) The applicant is to adequately screen the proposed private school from view of the residents of 3801 Gallows Road by means of a solid fence along the property line separating 3801 Gallows Road from 3811 Gallows Road. Adequacy should be interpreted as a solid fence not less than six feet in height.

2) No buses or similar vehicles used to transport students to and from the school are to be parked overnight on those areas of the school property visible from Gallows Road or Annandale Road.

3) It is preferable that the School's parking lot be located behind the academic building or in an area not visible from Gallows Road or Annandale Road.

As we understand it, a permit is requested to use one of the existing Riley houses for not more than 20 students for one school year beginning September 1968. We favor the granting of such a permit without restriction. The three requirements listed above pertain to the new facility to be constructed to accommodate around 400 students. The required site plan for the new school building should incorporate the three stipulations to obtain approval of the board.

We should like the granting of the requested permit to be subject to the restrictions cited above because of possible future changes in management of the Westminster School. With Mrs. Goll as Director and Mr. Goll as Secretary we have the utmost confidence in the establishment and maintenance of an institution which will not detract from the essentially residential character of the neighborhood.

Sincerely yours,

(S) Charles W. Vear
Berna M. Vear"

Mrs. Goll stated that the school is interested in exchange students and would like to have them if they could. Perhaps the enrollment figure could be amended to thirty students. The children would bring their lunches from home.

No opposition.

Mr. Best commented that he did not think the Vears' request was practical -- a 6 ft. fence would screen nothing but a few trees.

The Vears' are requesting that the fence come down tothe 40 ft. line, Mrs. Henderson said.

Mrs. Goll stated that the school buses are leased and are not kept on the property at night but at the gas station where they are serviced. If at any time they were to remain overnight they would be kept in the rear of the property and would not be visible from the road. They plan to have thirty teachers for 400 students, including the administrative staff.

In the application of Westminster School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, 3811 and 3819 Gallows Road, Annandale District, Mr. Smith moved that the application be approved in accordance with plats submitted with the stipulation that all parking in connection with the operation be to the rear of the existing building; that there be not less than 31 parking spaces provided for the school and school administration; that the site plan include screening from the adjacent property at 3801 Gallows Road by means of a solid fence along the property line 7 ft. in height to conform with the zoning on the property as to proper setbacks. No buses or vehicles used for transporting students are to be parked overnight on the school property visible from Annandale Road. It is understood that the present house would be used during the '68-'69 school year and possibly the new building would be ready by the next school year. The site plan requirements are to be met in accordance with County standards and the dedication of 40 ft. from the center line will be made across the full frontage of the property. In addition to dedication, some clearing will be necessary to improve the sight distance necessary for making a safe entrance and exit from the proposed school operation; that all other provisions of the County and State Ordinances pertaining to this application be met. It is understood that the permit for the 30 students in the Riley House would be granted as soon as the applicant has conformed to the site plan requirements as to this particular portion and the electrical and mechanical and other requirements for the building. Occupancy permit for the proposed building should not be granted nor the permit for 400 students until such time as the building has been completed and approved. Granted to the applicant only. This is a Corporation under the State Corporate laws and this is granted to the Corporation only. This school could not be transferred other than through the sale of stock or the stock company as such. No individual could become the owner without a change of ownership through this Board. All other provisions of the Ordinance pertaining to this application are to be met. If there is a problem of buses entering or leaving at any time or if this becomes a hazard in any way, the schedule would have to be altered by 15 minutes one way or the other to assure that all safety factors possible will be abided by. He amended the motion as follows -- that at least five parking spaces shall be provided until the additional building is constructed and occupied. The old building will then be renovated and used as the administration building and other purposes when the new building is completed. Screening refers to the solid fence only. If

under site plan requirements the Staff feels that this parking area should be screened in accordance with County standards, this is all right; if it does not serve any useful purpose it could be omitted. It will be left up to the Staff to judge as to whether this comes under the requirements of the County Ordinance as to screening of the parking lot but there shall be a 7 ft. solid fence along the property line, in any event. Seconded, Mr. Barnes. Carried unanimously. 5-0.

Also included in the motion was that there be a maximum of 30 children allowed in the existing building with a maximum of 400 in the proposed building; hours of operation 8:00 a.m. to 5:00 p.m. five days a week. Seconded, Mr. Barnes. Carried unanimously. 5-0.

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GAIL SCUDERO, application under Section 30-7.2.8.1.2 of the Ordinance, to permit erection and operation of riding school and riding ring, located between Springhill Road and Georgetown Pike, Dranesville District, (RE-1), Map 20-2 ((1)) 43, S-796-68

Mr. John T. Hazel, Jr. stated that Mrs. Scudero lives on the property and has been operating a riding school on a small scale. The property consists of 25 or 26 acres owned by Mrs. Joseph DeGanahl. The inked in area shown on the plat was put in after he went to look at the property and saw that a certain amount of riding activity was carried on in that area and Mr. Hazel said he wanted to make it known to the Board. This is not a part of the school activities. The children take their horses down to this area and exercise them. The riding ring itself, where the school will be conducted, is shown on the plat also. Mrs. Scudero will conduct a class each day after school, Monday through Friday, and four to six classes on week ends. There are presently six students in each class. She would like the latitude of increasing to eight students per class and would start the school in the spring as soon as they can get the permits. In the summer there would be classes during the day.

In all fairness to the applicant, Mr. Smith asked, don't you think it would be well to include the maximum hours of operation year round rather than trying to set up a summer operation?

Mrs. Scudero suggested daylight to dark, seven days a week.

Mr. Hazel presented petitions in favor of the application and a letter from Mrs. H. N. Mundane, neighbor across Springhill Road, in favor of the application. Since this is not an erection of any new building, only the ring would be used, Mr. Hazel asked that site plan requirements be waived. In an operation of this type it would be impossible for Mrs. Scudero to conform with technical site plan requirements.

This Board has no authority to request a waiver of site plan, Mr. Smith explained. Certainly Mrs. Scudero is going to have to put a deceleration lane along the primary highway.

The students come in car pools and there is ample parking for fifteen or twenty cars there if necessary, Mr. Hazel stated.

Mr. Smith asked Mrs. Scudero how many horses she intends to use.

The maximum now is six at a time, Mrs. Scudero replied. With their breeding operation they have approximately thirty horses altogether.

Mr. Hazel stated that Mrs. Scudero is leasing the property and it would be impossible for her to have the owner dedicate the frontage along Georgetown Pike. There would be no horse shows on the property as they have no horse show facilities. They would be willing to have the permit granted with this stipulation.

Mrs. Henderson said she did not think the Highway Department would do anything to Georgetown Pike in the next three years. Possibly this could be granted with the stipulation to relook at the situation after that time. It appears that the driveway is at the edge of the property line so she did not see that a deceleration lane would do any good.

The Board required Mr. Hatcher to put in a service lane and he had only fifteen horses, Mr. Smith pointed out.

It was different in that case, Mr. Barnes said. That was on Route 7 and Georgetown Pike does not have as much traffic as Route 7.

The Board should leave site plan requirements up to the Staff, Mr. Smith stated. They are in a better position to recommend waiver or requirements. There should be a deceleration lane if horses are going in and out all the time, he said.

Horses are not transported in and out except in connection with the farm operation, Mr. Hazel said, which has nothing to do with the school.

Mr. Smith informed Mr. Hazel that if the permit is granted for the school, the whole operation comes under the permit.

March 12, 1968

GAIL SCUDERO - Ctd.

Mrs. Henderson asked if the riding ring could be 100 ft. off Georgetown Pike.

Mr. Hazel said that would be no problem.

If this becomes an established school, Mr. Smith said, they would have to meet all site plan requirements But for the period of three years as long as they put in the deceleration lane he felt that this would be adequate.

This is not really development of the property, Mr. Hazel said. It is a temporary use. Obviously the property will some day be subdivided and at that time it would be appropriate for the developer to dedicate the land. There are six years left in Mrs. Scudero's lease.

No opposition.

If the application is granted, Mr. Smith said, and if at any time road widening is about to take place, the Zoning Administrator should bring this to the Board's attention if it happens before the end of three years.

In the application of Gail Scudero, application under Section 30-7.2.8.1.2 of the Ordinance, to permit erection and operation of riding school and riding ring, located between Springhill Road and Georgetown Pike, Dranesville District, trading as Georgetown Stables or Old Georgetown Stables, Mr. Smith moved that the application be granted for operation of a riding ring (no other buildings are contemplated other than open riding ring) in conformity with plats submitted, and with the stipulation that all established riding areas be set 100 ft. off all property lines and off Georgetown Pike. Applicant shall be granted a permit not to exceed three years, and if road widening bedomes imminent in that immediate area, the Zoning Administrator would ask the Board to review this permit with the thought of requiring dedication of certain rights of way that become necessary for the widening of Georgetown Pike. It is understood that the maximum number of horses on the property would be thirty. Hours of operation daylight to dark, seven days a week. All other provisions of the Ordinance including site plan provisions shall be met unless waived by the proper County authorities. Seconded, Mr. Barnes. Carried unanimously.

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SEYMOUR WENGROVITZ, application under Section 30-6.6 of the Ordinance, to permit construction of addition to dwelling 17.3 ft. of rear property line, Springfield District, 5220 Cather Road, Lot 69, Block 21, Section 3, Edsall Park, (R-12.5), Map 71-4, V-792-68

Mr. Wengrovitz stated that his family has grown and he wished to enlarge his kitchen and add a family room. The shape of their lot is such that the corner of the proposed addition would come within 17.3 ft. of the property line.

Mrs. Henderson suggested moving the addition 3 ft. in the other direction and reducing the variance on the rear.

This would cause problems from the front of the house, Mr. Wengrovitz said. If he did that, the addition would be apparent from the front, and there would be dead corner space created.

No opposition.

In the application of Seymour Wengrovitz, application under Section 30-6.6 of the Ordinance, Mr. Smith moved that the application be granted in part, due to the irregular shape of the lot, and that the applicant be allowed to construct an addition to the existing dwelling no closer than 20 ft. from the rear property line, and to meet all other lot line and setback requirements. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

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WAVE V. DAVIS, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 12603 Ox Trail, Lot 51A, Murray Farms, Centreville District, (RE-1), Map 45-2, ((2)) 51A, S-794-68

Mrs. Davis stated that she wished to have a beauty shop in her home so that she would not have to go out to work. They are building their new home now and this would be in the basement. The nearest beauty shop would be at Centreville or Kamp Washington. This shop would be to serve the immediate neighborhood. She would have no signs, no advertising, and she would be the only operator. Public water is available. Hours of operation would be from 9:00 a.m. to 5:00 p.m., six days a week.

No opposition.

In the application of Wave V. Davis, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 12603 Ox Trail, Lot 51A, Murray Farms, Centreville District, Mr. Smith moved that the application

be approved as applied for as a home occupation, granted to the applicant only. All other provisions of County and State Ordinances are to be met, including site plan requirement unless waived by the Board of Supervisors. Seconded, Mr. Barnes. Carried unanimously.

061

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DORSEY W. WORLEY, JR., application under Section 30-6.6 of the Ordinance, to allow outdoor fireplace and grill closer to side property line than allowed by the Ordinance, 2331 Addison St., Lot 14, Oak Ridge, Centreville District (RE-1), Map 39-3 ((6)) 14, V-793-68

Mr. Worley stated that seventeen of the twenty property owners in Oak Ridge have signed in favor of his application. In 1964 he obtained a permit from the County for putting an addition on the back of his home, with a double garage under the addition. He ran out of money and stopped his project until last fall; he obtained a bricklayer then, and the drawings which he had showed a 14" high seat on both sides of the wall. Mr. Worley said he made a change in plans and had the fireplace built in the corner, without modifying the building permit.

Mr. Koneczny, Zoning Inspector, stated that the fireplace is 14-15 ft.high. This is a patio type fireplace with grill and it is the only thing in violation.

He was nine-tenths finished when the Building Inspector came out and said everything was all right, Mr. Worley said. Three days after that, the Zoning Inspector came out and said that it was in violation. The retaining wall and seats were in the original plans for the building permit. The only thing he did wrong was to add the fireplace.

This has been brought to County court, Mr. Koneczny said. Final disposition is pending this Board's decision. It is a very nice looking structure. The fireplace was roughly about one-third complete when he first saw it. It was brought to his attention by a complaint from a neighbor.

Mr. Worley stated that the fireplace had never been used.

Opposition:

Mr. and Mrs. Stoicoiu were present in opposition. The Oak Ridge Citizens Association met last night, Mrs. Stoicoiu said, and passed a resolution stating that they were not involved since this seems to be something between the neighbors. The fireplace at such a height is detrimental to the health, she said, as the smoke will come up to their bedroom windows when they are open in the summer. The hemlocks which the Stoicoius planted will be damaged if the grill is used extensively. They feel that the grill constitutes a fire risk and devaluates property adjoining it.

How many times has the smoke bothered you, Mr. Smith asked?

The grill has not been used yet, Mrs. Stoicoiu replied, but when it is used this summer it will bother them. They registered their complaint with the Zoning Office last fall.

Mr. Yeatman suggested that the fireplace might be bricked up to prohibit its use.

Perhaps the chimney could be cut off and the front bricked up, making it a continuation of the retaining wall, Mrs. Henderson said, and that would bring it into conformity.

Mr. Koneczny reported that the complaint was received by the Zoning Office on September 25, 1967 and it was approximately three days later when he visited the property. He spoke to Mrs. Worley and asked for the building permit. She indicated that the original permit was for a garage and back porch. He left a card for Mr. Worley, asking him to call him at the office. He explained the violation to him and Mr. Worley told him that his wife made the application and was not aware that this was supposed to be shown on the plans. He explained also that he would have to comply with the Ordinance or make application before this Board. No application was filed so he proceeded to court. The case was heard February 5 and the court found him guilty and instructed him to come before this Board. The Judge would like to know the Board's decision on March 14.

Why didn't you make application for variance as soon as the inspector told you to, Mrs. Henderson asked Mr. Worley?

Because he did not have time to take off from work, he said.

Mr. Smith stated that he would like to look at the property before making a decision.

Mr. Yeatman moved to defer to April 9 to view the property. No use of fireplace in the meantime. Seconded, Mr. Smith. Carried 5-0.

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March 12, 1968

FLEISHER DEVELOPMENT CORP., application under Section 30-6.6 of the Ordinance, to permit erection of five dwellings 25 ft. from front property line, located on Old Keene Mill Road approximately 2500 ft. west of Rolling Road, Lots 1 through 5, proposed Section 1, Keene Mill Station, (R-12.5 cluster), Map 89-1 ((1)) 4, 89-1 ((2)) 31, V-797-68

062

Mr. Neil Rogers represented the applicant. They are asking for a 10 ft. variance, he explained. They are giving approximately 48 - 50 ft. for the widening of Old Keene Mill Road. The sidewalk has been located in accordance with where the State wants it, and it is approximately 16 ft. from the sidewalk to where they are dedicating. There is a rather steep bank; the land rises to the rear. In order to move the houses back to the 35 ft. line it would be necessary to remove between 10,000 and 25,000 cu. yds. of dirt. They would be forced to take off the crown of the entire ridge and would lose all the trees at the top. This will be a nice subdivision of homes ranging from $31,000 to $35,000. A considerable amount of land is being dedicated for the Pohick dam site -- this is part of the ponding and watershed development for the Pohick under Public Law #566.

Why can't the house be designed to fit the topography with one story in the rear and two in the front, Mrs. Henderson asked?

Most of the houses are bi-levels, Mr. Coldwell said. Out of 49 houses, they will only need a variance on these five homes.

Mrs. Henderson suggested putting the carports in line with the houses rather than having the projection into the front yards. This would take something off the variance.

The subdivider is working under a hardship, Mr. Rogers stated. They have added more than normal to Old Keene Mill Road; Greeley Boulevard is an 80 ft. street rather than a 50 ft. street and they have contributed greatly to this. In addition, the requirements of the Ponding Section required them to have the property zoned to R-12.5 cluster. Whatever costs are involved are going to have to go into the subdivision so the price will be passed onto the purchaser. The subdivision plat has been approved and recorded.

No opposition.

Mr. Smith moved that the application of Fleisher Development Corporation be deferred to April 9 for decision only, to view the property. Seconded, Mr. Barnes. Carried unanimously.

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JOHN FORSTMANN, application under Section 30-6.6 of the Ordinance, to permit erection of industrial building 40 ft. from Forbes Place, Parcel 11E-2, Ravensworth Industrial Park, Annandale District, (I-L), Map 70-4 ((1)) 11E, V-798-68

Mr. Philip Hogue represented the contract owners of the lot. The applicant is seeking relief under the hardship section of the Ordinance because of the shape of the lot and the topography. The lot becomes narrower at the point of the bulge of the cul-de-sac. They are requesting a 10 ft. variance.

What is the proposed use of the building, Mrs. Henderson asked? Why does it have to be this size?

He was not at liberty to name the company, Mr. Hogue replied, but it would be a research and development type building. The building is being designed especially for them. At the present time they contemplate one tenant but they are not prohibiting the tenant from subleasing.

Why can't the building be moved back 10 ft. toward the rear, Mrs. Henderson asked?

Ravensworth Industrial Park has covenants requiring 20 ft. side and rear yards and a 40 ft. setback from front building line, Mr. Hogue said. The building was designed in accordance with these covenants.

Mr. Smith questioned whether the Board has authority to grant a variance simply because of a covenant on the land. The Ordinance would permit this building without a variance.

Two-thirds of the building is 65 ft. from the street line, Mr. Hogue said. It is only where the cul-de-sac is widest that they are non-conforming.

They must meet the 100 ft. residential setback and provide 12 ft. of screening as required by the Ordinance, Mr. Donnelly, architect, stated, and they are providing 118 ft. of parking area and 10 ft. on the side of the building to provide proper circulation. They have provided a 20 ft. side yard away from the building. The topo on the lot slopes from the point of about 16 ft. from the corner of the building to the other end and they cannot push the building any farther to the side, nor by the legal covenants can they push it any farther to the rear.

Mr. Hogue said he felt that it was standard procedure for the Board to grant variances based on topography.

This situation is not caused by topography, it is caused by covenants, Mrs. Henderson said. The topography the applicant speaks of is the cul-de-sac; the Board has had no evidence on the topography of the land itself.

Mr. Donnelly stated that they are contemplating future addition for the tenants on the adjoining lot for which they have an option. They are also trying to preserve the green area all around the building.

Mrs. Henderson suggested moving some of the parking to another location and putting the green space in there.

They cannot put it in any other place; there is a covenant restriction on that also, Mr. Donnelly said.

Have you pursued a lifting of the covenants in order to bring in this desirable tenant, Mr. Smith asked?

Yes, but they asked them to come before the Board to see if they would grant a variance, Mr. Donnelly said.

No opposition.

Mr. Smith said he would like to defer the application to do some research. The covenant is a big factor and he would like some time to do some research.. The buyer is aware of this before he buys the property so if the application is denied, it would not be denying the use of the land.

Every other building in this development is set back 40 or 41 ft., Mr. Donnelly said.

This is something else the Board should check, to see how they got that way, Mrs. Henderson said. The Ordinance says 50 ft.

Mr. Smith moved that the application be deferred to April 9 for further study. Seconded, Mr. Barnes. Carried unanimously.

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EDWARD WILLIAMS AND OBIE HARRUP, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing store closer to front and rear property lines than allowed, 6801 Richmond Highway, Mt. Vernon District (C-G), Map No. 93-1 ((1)) 13, 19 and 15A, V-800-68

Mr. Muncey and Mr. Williams were present.

Two years ago this Board approved the same request they are submitting now, Mr. Muncey said. Before they could get a contract, Mr. Williams was advised of the tight money situation and advised to defer construction for a while. The permit which the Board granted expired. The banker now has advised that he should proceed with construction and they are again making the same request. The existing incinerator will be removed. Also, the old garage building on the front of the property will be removed. It is currently being used as warehouse space but in the new building they would have their storage in the basement.

Has dedication of travel lane easement across the front of the property ever taken place, Mrs. Henderson asked?

They were advised to include this on their site plan and this easement would be a condition for approval, Mr. Muncey said.

The most important thing on the report from the Planning Engineer's office has to do with land shown for parking, zoned R-10. This would require Board of Supervisors approval for commercial parking on residential ~~parking~~ LAND, Mr. Knowlton said, and the screening would take out a number of parking spaces.

No opposition.

In the application of Edward Williams and Obie Harrup, application under Section 30-6.6 of the Ordinance, to permit erection of addition to existing store closer to front and rear property lines than allowed, 6801 Richmond Highway, Mt. Vernon District, Mr. Smith moved that the application be approved in conformity with plats submitted and in conformity with the modifications of travel lane requirements as modified by the Board of Supervisors on February 16, 1966, that site plan would be required, and changes in entrances, curbs, sidewalk along Schooley Drive and a public easement recorded on the travel lane will be required. Lot 15A is now zoned R-10 and would require Board of Supervisors approval to be used for commercial parking. Screening will be required adjacent to all residential districts in the rear. This is the second hearing in this particular application and the previous permit granted has expired. The applicants must conform to all County and State codes other than those modifications by the Board of Supervisors or waived by the Staff through the Board of Supervisors. Seconded, Mr. Barnes. Carried unanimously.

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March 12, 1968

DEFERRED CASES

HERMAN GRENADIER, application under Section 30-6.6 of the Ordinance, to permit erection of three dwellings 27 ft. of street property line and allow dwelling on Lots 472 and 473 8 ft. of both side property lines, Lots 472 and 473, 474 and 475, part 476 part 476 and 477 and 478, Block L, Memorial Heights, Mt. Vernon District, (R-12.5), Map 93-1 ((18)) V-769-68 (deferred from January 23)

064

Mrs. Henderson stated that Mr. Grenadier had filed applications on this property in 1953 and 1961, both of which were denied.

Since that time the County has acquired a 61.14 ft. drainage easement across the back of the property, Mr. Grenadier said. The easement has been recorded now and he would like to build houses on the property.

Do you remember Mr. Coleman's comments in 1961, Mrs. Henderson asked?

Mr. Coleman said that it was in flood plain, Mr. Grenadier replied. Since that time they have straightened out some of the problems. The stream has been relocated since the last hearing.

The new plat shows that the flood plain is still as Mr. Coleman said in 1961, Mrs. Henderson said, so there could be no filling around the property.

Mr. Grenadier said that he wished to build three houses on the seven lots. The price will be around $20,000 each. Sewer and water are available.

In the application of Herman Grenadier, application under Section 30-6.6 of the Ordinance, to permit erection of three dwellings 27 ft. of street property line and allow dwelling on Lots 472 and 473 8 ft. of both side property lines, Lots 472 and 473, 474 and 475, part 476 and 477 and 478, Block L, Memorial Heights, Mt. Vernon District, Mr. Smith moved that the application be approved according to the revised plats presented today showing the 9 ft. and 7 ft. setbacks; instrument numbers and easement should also be a part of the record. This is not out of character with the surrounding area -- homes have been built within 12 ft. of the front lot line. This terrain is steep and hilly and until recently there has been a flood problem in the area. This promises to be alleviated by the proper placement of a drainage ditch for which Mr. Grenadier granted an easement to the County of Fairfax to permit widening and proper channeling of drainage for the area. Seconded, Mr. Barnes. Carried unanimously.

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DR. HERBERT AND LILLIE NAGIN, application under Section 30-6.6 and 30-7.2.10.5.2 of the Ordinance, to permit operation of animal hospital and permit existing building to remain 41.23 ft. from property line on Arlington Blvd. and 12.18 ft. from Old Wilson Blvd., 6300 Arlington Boulevard, Mason District, (C-G), Map 51-3 (deferred from January 23)

Mr. Hansbarger read the following letter: (dated January 31, 1968)

> "Dear Mrs. Henderson:
>
> At the request of Dr. Herbert Nagin, referenced building was inspected by this office.
>
> The building was found to be structurally sound except for the exterior stairway to the second floor and the chimney. The stairway and the chimney, both of which are structurally unsound, would have to be taken down and replaced.
>
> If Dr. Nagin is permitted to use the building for a Veterinary Office, the above cited structural deficiencies would have to be corrected. In addition, the building would have to be brought up to minimum standards that would meet the Fairfax County Building Code for use as a Veterinary Office. This includes electrical, mechanical, plumbing and building standards.
>
> Sincerely,
>
> (S) Jack P. Burch
> Assistant Chief Building Inspector"

Seven runs will be provided, Mr. Hansbarger continued, 3 ft. wide by 15 ft. long. There would also be two parking spaces provided in the rear. They will have more parking than is required by the Ordinance. The lower level of the building would be used as a ward room. The assessed value of the building (1964) is $3800. It is due for another assessment this year.

Dr. Nagin stated that it would probably take from three to four months to get the work completed. He hopes to have it completed and in operation by September.

DR. HERBERT AND LILLIE NAGIN - Ctd.

In the application of Dr. Herbert and Lillie Nagin, application under Section 30-6.6 of the Ordinance and 30-7.2.10.5.2, to permit operation of animal hospital and permit existing building to remain 41.23 ft. from property line on Arlington Boulevard and 12.18 ft. from Old Wilson Boulevard, 6300 Arlington Boulevard, Mason District, Mr. Yeatman moved that the application be granted and that all county codes shall be met. ~~The applicant shall construct a fence 6 ft. high along Old Wilson Boulevard and~~ The runs on the outside shall be fenced with galvanized mesh wire and he would have to put a 6 ft. fence along Old Wilson Boulevard leaving two parking spaces outside the fence. The pens should be fenced to keep children from sticking their fingers through the wire and being bitten by dogs. All variances required shall be granted and the fence height waived. This should be in operation by September 1 -- alterations completed and occupancy permit to be secured prior to that time. Seconded, Mr. Baker. Carried 4-1. Mr. Smith voted against the motion.

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JOHN C. AND LORENE B. YORK, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than allowed by the Ordinance, proposed Lot 1, John C. and Lorene B. York property, 221 ft. south of Weant Drive, Dranesville District, (RE-2), Map 8 ((1)) part 116, V-777-68 (deferred from February 13)

Mr. James Smith presented the topo on the lots, and reviewed the reasons for wanting to split it this way.

Mrs. Henderson expressed concern about the possibility of leaving an unbuildable lot if the variance is granted.

Mr. Dan Smith said he failed to see that anything other than good would come from this. Eventually the Yorks would own both lots.

In the application of John C. and Lorene B. York, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than required by Ordinance, proposed Lot 1, John C. and Lorene B. York property, 221 ft. south of Weant Drive, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with provisions set forth by the Board of Supervisors on December 20, 1967; all other provisions of the Ordinance applicable to this application be met, in accordance with variance granted. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the reasons given for the variance were more personal and financial than topographic.

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CITIES SERVICE OIL COMPANY, application under Section 30-6.6 of the Ordinance, to allow corner of building closer to old Route 123, south side of Chain Bridge Road, approximately 1000 ft. east of Fletcher St., Dranesville District, (C-G), Map 29-4 ((1)) 17, V-789-68

Mr. John Testerman represented the applicant. He stated that this would be a three bay service station. The property is only 125 ft. from the old road to the new road. The property was zoned C-G with the knowledge at that time that they were going to attempt to construct a gas station on the land. The pumpislands will meet the setbacks. The property was left in this shape by the Highway Department's taking so technically under the Ordinance, they are entitled to a 20% reduction in required setback.

Mr. Woodrow Kelley stated that a three bay station would be necessary in this location because of the cost of the ground and facilities that are planned there and for the dealer to profitably earn a living. They realize that they cannot expand beyond this point. The station would be practically the same design as the one at Route 7 and Aline Street, waffle masonry pattern, white in color. This type of station was designed especially for use around shopping center development. There is no porcelain used in this station.

No opposition.

Mr. Smith felt that the Board should take a look at the station at Route 7 and Aline. He said that it did not appeal to him.

In the application of Cities Service Oil Company, application under Section 30-6.6 of the Ordinance, south side of Chain Bridge Road, approximately 1000 ft. east of Fletcher Street, Dranesville District, Mr. Yeatman moved to grant the application to allow building to be 18 ft. from old #123 and no closer than 35 ft. from new #123. This is to be a three bay station, waffle design precast stone, flat built up slag roof, with only one standard sign. All other provisions of the Ordinance including the sign ordinance shall be met. Seconded, Mr. Baker. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion. Mrs. Henderson voted against the motion because proper plats had not been submitted, she said, and the variance requested was too large. Mr. Smith objected to the type of station to be built. Other dealers are required to build brick colonial or ranch style station.

//

March 12, 1968

TYSON'S BRIAR, INC. - Mr. Krach came back to the Board for clarification of Mr. Smith's motion in view of complaints from Mr. Becker, adjacent property owner.

Mr. Smith clarified the motion by saying that he meant dustless road during construction -- not necessarily "dustless" according to the Ordinance definition, but that the road be paved prior to use of the facility by the membership. During construction of the facility, it would be satisfactory to have the depth of gravel on the road that they will have to have at the time of paving, and treat that with calcium chloride. That should be pretty dustless. It must be paved before anyone goes there to swim.

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Mr. Troobnick came before the Board to ask to be allowed to rent out the upstairs of the old Penn Daw Fire Department building. He conducts his antique and upholstery business on the first floor and would like to arrange it so that the parking facilities could be used by his business during the day and for the upstairs users at night.

Consensus of the Board was that an application would have to be filed, but not during the next two weeks. The Board will think about it during the next two weeks and discuss it again. A section of the Ordinance will have to be found under which to file.

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Mr. Smith moved that the permit of Sibarco Stations at #236 and Prosperity Avenue be extended for 90 days at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

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The Board agreed that all requests for canopies on service stations in C-N and C-D zoning should come before them for a formal motion.

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The Board discussed the Ty-Co Investors Building at Tyson's Corner. It was the consensus of the Board that the required parking should not be reduced. This would result in serious problems. Mrs. Henderson will consult with Mr. Chilton and Mr. Berberich on the matter.

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The meeting adjourned at approximately 6:00 P.M.
By Betty Haines

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

May 24, 1968 Date

066

March 26, 1968

The regular meeting of the Board of Zoning Appeals was held 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.

M. JANE LIGHTNER, application under Section 30-7.2.8.1.1 of the Ordinance, to permit construction and operation of dog kennel, south side of Lewinsville Road, north of Airport Access Road, Dranesville District, (RE-1), Map 29-1 ((1)) par. 12, 13, S-765-68

Mrs. Henderson read a letter from the applicant's attorney requesting deferral due to engineering problems.

Mr. Smith moved to defer to May 14 at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

Several people were present in opposition. Mr. Smith asked that copies of the May 14 agenda be sent to Rev. Roger V. Bush and Mr. Blakely F. Weaver in order that the citizens would be informed of the time of hearing.

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Mr. Woodson brought to the Board's attention an error that was made on a building permit granted to Groover, Cooley, Inc. dated January 31, 1968, Lot 25, Section 1, Greenway Heights.

Mr. Smith moved that the Board recognize the series of mistakes and grant a variance to allow the house now partially constructed on Lot 25 to remain as constructed 40.5 ft. from Kindlewick Road. This is a new cluster development and there is one short 60 ft. street in the subdivision with one house on that street. This is a very unusual situation. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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HANSON BUCHNER, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, 3051 Gallows Road, (Yorktown Shopping Center), Providence District, (C-D), Map 49-4, par. 66, S-801-68

Mr. Hansbarger represented the applicant. This is to be a Shell station in conjunction with the shopping center, he explained, located to the rear of the center. Mr. Buchner will own the station and Shell will lease it. Shell has very stringent requirements. There will be no freestanding signs in front of the station. The only sign will be on the canopy and one against the facing of the building in conformity with the rest of the signs in the shopping center. There will be no damaged vehicles stored on the property for longer than 48 hours and no flags or banners. The three bays will enter from the side rather than from the street. They are required to provide 386 parking spaces for the shopping center and they have 410. The design of the service station will be like the shopping center.

Mr. Smith asked about putting in a road from the service station connecting with Gatehouse Road.

There is 170 ft. from the shopping center site to Gatehouse Road, Mr. Hansbarger said. They will leave an opening and the travel lane will be built when the property to the north is developed.

The road should be built now, Mr. Smith said.

If the site plan requires them to do it, they will put in the road, Mr. Hansbarger said.

No opposition.

In the application of Hanson Buchner, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, 3051 Gallows Road, Yorktown Shopping Center, Providence District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted showing the location of the service station, the design to conform with the Yorktown Center, a three bay station, and in conjunction with the site plan for the station showing a road connecting with Gate House Road, constructed and completed prior to opening of the service station. This is to provide the apartment occupants direct access to the station and shopping center without using Gallows Road. All other provisions of the Ordinance are to be met. This temporary access should be in and used during construction of the apartments and development of the service station, and completed to the degree of being dustfree and usable in a safe manner. Seconded, Mr.Barnes. Carried unanimously.

Mr. Hansbarger and Mr. Buchner returned later in the meeting to discuss some of the problems connected with putting in the road. One of the biggest problems was that the land over which the road would go is owned by a different venture than the one owning the shopping center. The shopping center is under the name of Hanson Buchner, Trustee, and the other is Buchner and Adler.

March 26, 1968

HANSON BUCHNER - Ctd.

Also, Mr. Hansbarger said, they do not know the exact location of the road. It would be a shame to cut out a swath of thirty year old trees now and then find that it would be necessary to relocate the road at a later date and remove the rest of the trees.

068

Mr. Barnes moved that the Board rescind the requirement to construct the service road through adjoining property tying in with Gatehouse Road. Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voting against the motion.

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OLD FRONTIER TOWN, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Centreville District, (C-N, C-G and RE-1), Map 56-3 ((1)) 4, S-802-68

Mr. Glen Goodsell represented the applicants, asking that they be allowed to sell souvenirs in some of the buildings.

They had a commercial area where sales could take place, Mr. Smith said, and they leased part of it for a restaurant and sold part of their C-G zoning. Now they are asking the Board to grant permission to sell in a residential zone and this is certainly not in keeping with the intent of the Ordinance.

No opposition.

Mrs. Henderson noted that the parking had changed from the original granting.

Mr. Smith said he had no quarrel with the decreased parking but if there comes a time when they cannot meet the parking requirements they will have to find more spaces somewhere. The Board should find out whether they have a lease on the C-G property since they no longer own it.

Mr. Smith moved to recess the hearing to allow Mr. Goodsell to get further information. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM T. WUERSCHMIDT, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 14.6 ft. of street property line (Old Keene Mill Road), Lot 8, Block 2, Section 1, West Springfield, 7712 Jansen Drive, Springfield District, (R-12.5), Map 89-2, V-803-68

Mr. Wuerschmidt stated that there is no access to Old Keene Mill Road from his property and no other place on the property to put the pool. There is a bank at the rear of his property five feet above street level.

Can you move the pool toward the house, Mrs. Henderson asked?

If he did this he might run into construction problems, he said. It would require removing the trees and putting in additional shorings for the house.

Was the easement for the Telephone Company across this property when you purchased it, Mr. Smith asked?

The easement was granted prior to the construction of the house, Mr. Wuerschmidt replied. He is the original owner and has lived in the house since 1960. All easements were granted prior to his purchase. The C&P lines in the rear are underground, the AT&T lines overhead. The Telephone Company has granted permission to put the pool on this proposed location. It would not interfere with their lines in any way. He presented a copy of the letter from them for the record.

No opposition.

Mr. Wuerschmidt stated that there is a chain link fence around the property now but they propose to put a blind fence facing Old Keene Mill Road.

Mrs. Henderson stated that she felt there was not enough room for the swimming pool on the property and did not see a hardship as defined by the Ordinance.

In the application of William T. Wuerschmidt, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 14.6 ft. of street property line, (Old Keene Mill Road), Lot 8, Block 2, Section 1, West Springfield, 7712 Jansen Drive, Springfield District, Mr. Smith moved that the application be granted in part; that the applicant be allowed to construct a pool 20.6 ft. from property line on Old Keene Mill Road. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the variance requested was too large.

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March 26, 1968

SHELL OIL COMPANY, application under Section 30-7.2.10.2.1 and 30-3.4.3 of the Ordinance, to permit erection and operation of service station and permit building 30 ft. from side property line, 8015 Lorton Road, Lee District, (C-N), Map 107, S-804-68

Mr. Hansbarger represented the applicant. There is presently a Gulf station with one pump island on the property, he said. Shell will tear down the old station and put up a new three bay ranch style station. The station has been on the property since 1954 and it has been discovered that part of it is zoned Residential. The Planning Commission has scheduled a hearing on its own motion, to rezone this to Commercial, and if the Board of Zoning Appeals grants this application, it could be conditioned upon the rezoning. No part of the building is affected by the residential property but it would affect the entrance and the drive. The building is 30 ft. from the property line; they are asking a variance of 20 ft. from the property line. If the old official zoning map could be located, Mr. Hansbarger said, it would probably show all of this land in Commercial zoning.

Mr. Knowlton reported that he could find nothing that says the O'Neal property adjoining this is not all Residential. The only thing he found was an application to zone the rest of this property in 1950 from Agricultural to Rural Commercial and the application (No. 528) was granted, less and except the 70 ft. next to Shirley Highway.

That is the piece now before the Planning Commission scheduled for hearing April 4, Mr. Hansbarger said.

The building permit was issued in 1954 for construction of the existing station, Mr. Hansbarger continued, and the Pohick Plan shows all of this property as Commercial.

In any case you need a variance from the O'Neal property, Mrs. Henderson said. Is this property occupied?

It is a small piece and is almost unusable, Mr. Hansbarger replied. The O'Neals are representatives of about ten heirs. He hoped that they and Shell could get together on this piece. Shell is leasing from the owner and this poses a problem of what to do with this piece. Shell does not want to buy this small piece of property and be in the same position someday as the O'Neals are.

Is Parcel A also included in the rezoning application, Mr. Smith asked?

Most of Parcel A is already zoned C-N except for 70 ft., Mr. Hansbarger said. Donovan is not asking any change.

Mr. Smith felt that the entire length of the 70 ft. strip should be included in the rezoning application in order to bring it all into conformity. Is the existing service station in operation, He asked?

Yes, Mr. Hansbarger said.

Mr. O'Neal requested that they be allowed the same privileges on their land as Shell, to allow them to build up to the line also.

Mr. Smith felt that this should be put with Donovan's property or the Shell Oil Company. This should be rezoned with the other CN property to make a usable piece of property.

Mr. O'Neal said the State took land for the road through there. They tried to get them to take this 7,100 sq. ft. and they would not do it so the O'Neals have been paying taxes on it ever since. He has made a proposal to Shell.

Mr. Smith felt that the Planning Commission application to rezone the property should include the O'Neal property.

They must have considered that, Mrs. Henderson said, because their motion was amended to delete the O'Neal property.

Mr. Knowlton stated that Mr. Killeen from Shell went to the Planning Commission to obtain approval of commercial entrance across the residential property. The Planning Commission denied that and moved for rezoning on its own motion. The case will be properly advertised for hearing and it is too late to include the O'Neal property in this application.

Mr. Hansbarger said they would try to work out something with the O'Neals but they were not going to pay $4.00 a foot for the land.

Mr. Smith moved that the Board defer decision on the application based on the Staff's recommendation until such time as action has taken place on the rezoning application. Seconded, Mr. Yeatman. Carried unanimously.

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The Board continued with the application of Old Frontier Town, Inc. deferred from earlier in the meeting for more information.

March 26, 1968

OLD FRONTIER TOWN, INC. - Ctd.

The property that was questioned by the Board is being leased by the Corporation from Mrs. Faircloth, Mr. Goodsell stated. The other piece that was questioned is owned by the Corporation.

070

In the application of Old Frontier Town, Inc., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Centreville District, Mr. Smith moved that the application be approved in conformity with plat dated March 26, 1968 initialed by the attorney for the applicant; that all provisions of the original granting of June 22, 1964 apply with the exception of parking which has been reduced, and if at any time the parking is not adequate the applicant must provide additional parking in order to take care of all users of the establishment. All provisions of the Ordinance shall be met. The applicant shall not open the park until such time as he has obtained an occupancy permit from the Zoning Administrator, and prior to issuing the occupancy permit the Zoning Administrator shall require a copy of the lease on the C-G property owned by Faircloth, for the records. The facility may remain open until October 31, 1968. Seconded, Mr. Barnes. Carried unanimously.

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STEPHEN F. CELEC, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 19.2 ft. from rear property line, Lot 23, Block 2, Sec. 2, Crestwood Manor, 7102 Jayhawk Street, Annandale District, (R-10), Map 71-1 ((17)) Block II, 23, V-805-68

Mr. Celec stated that the builder put the house in this location because of a tree which used to be on the property. He would like to add a family room to his house and is asking for a 6 ft. variance.

Is there any reason why you cannot put the addition in the front of the house, Mrs. Henderson asked?

The living room is in the front of the house, Mr. Celec replied. There are 140 houses in the subdivision, all of which are 38 to 40 ft. from the front property line. His house is 65 ft. back. The builder was trying to save the large tree but failed. He is the original purchaser, he bought the house in 1960. The addition would be 12' x 22'.

No opposition.

Mr. Smith requested that the Zoning Administrator make a copy of the subdivision plat to put in the folder.

This is a situation which does not pertain throughout the subdivision, Mrs. Henderson commented.

In the application of Stephen F. Celec, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 19.2 ft. from rear property line, Lot 23, Block 2, Section 2, Crestwood Manor, 7102 Jayhawk Street, Annandale District, Mr. Smith moved that the application be approved for a 12' x 22' addition, as stated, due to the unusual situation of the house being placed in a very poor location on the lot to allow any type of addition. Other houses were set back 38' to 40' and this one is 65' indicating that it was placed in this position to save a tree which later died. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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E. W. MAXWELL, application under Section 30-2.2. Col. 2, Schedule of Regulations, to permit operation of beauty shop in apartment building, 2703 Livingstone Lane, (Merrifield Village Apts.), Providence District, (RM-2), Map 49-2 ((1)) 48, S-806-68

Mr. E. D. Maxwell represented his brother. This is a beauty shop primarily to serve the apartment project, he said. They will start out with three operators living in the apartment project, and will have seven chairs. There are approximately 980 units in Merrifield Village. They have two other similar operations, one in Key Towers and the other at Fairmont Gardens in Annandale. They have two entrances to this apartment which is located on the bottom floor; one entrance from the patio and the other through the front entrance, downstairs to the basement. There is no direct access to the street. The recommendations of the Inspections Divisions present no real problems. There would be no sign indicating the presence of this operation.

No opposition.

In the application of E. W. Maxwell, application under Section 30-2.2, Col. 2, Schedule of Regulations, to permit operation of beauty shop in apartment building, 2703 Livingstone Lane, (Merrifield Village Apartments), Providence District, Mr. Smith moved that the application be approved as applied for; that there be a limit of seven chairs to serve this apartment complex of over 900 units. All other provisions of the County Code and State Health Ordinance applicable to this be met prior to issuance of an occupancy permit. Seconded, Mr. Barnes. Carried unanimously.

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GULF RESTON, INC., application under Section 30-3.5.8 of the Ordinance, to permit variance from requirements of the Ordinance concerning screening, due to topographic features of the land, portion of Lot 4, Reston, Centreville District, (I-L), Map 17-4 ((1)) part 11, V-807-68

Mr. Steinbauer stated that the land falls off at an average 3-1 slope to Admiral Bachman's property which adjoins theirs. His land is below the elevation of their proposed building. The adjoining land owned by Reston which is currently zoned RE-2 is on the Reston Master Plan for medium density residential development and is approximately 8 ft. higher than the proposed building, therefore making screening which would be at the level of the parking lot ineffective. They would, under any circumstances, leave a large number of trees on the top of the hill to act as a natural barrier between residential and industrial property.

The site plan for the industrial development has been submitted, Mr. Knowlton said. Mr. Rust has been working on it, and has stated that he can see no use to be served by the screening as required by the Ordinance. The trees to be left by Reston would take care of the problem anyway.

Mr. Steinbauer stated that they have not determined the development which will go on the other portion but it would be to their advantage to leave an adequate visual barrier. This will be a one story industrial building for research assembly in electronics.

No opposition.

Mr. Smith was concerned about Admiral Bachman's property and asked if a fence would be erected.

It is not their intent to put up a fence, Mr. Steinbauer replied. There is a farm fence there now.

In the application of Gulf Reston, Inc., application under Section 30-3.5.8 of the Ordinance, to permit a variance from requirements of the Ordinance, concerning screening due to topographic features of the land, portion of Lot 4, Reston, Centreville District, Mr. Yeatman moved that the application be granted as applied for. It has been demonstrated that it would satisfy the requirements of this section of the Ordinance. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion as he felt that there should be some provision for fencing.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit addition to existing dial center, 1701 Chain Bridge Road, Providence District, (R-12.5), Map 30-3 ((1)) 46, S-809-68

Mr. W. W. Koontz stated that the addition would be placed in the rear of the existing building, so that the appearance from Chain Bridge Road would be the same as it is now. They have 2.949 acres of land and need the addition because of growth in population. The center now serves 14,000+ telephones and will serve 24,000 when completed. They have ten employees now and will have fifteen when finished, and will provide seventeen parking spaces. The design of the addition will be the same as the existing building, Colonial rose brick.

No opposition.

In the application of Chesapeake & Potomac Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit addition to existing dial center, 1701 Chain Bridge Road, Providence District, Mr. Smith moved that the application be approved in conformity with plats submitted with a total of seventeen parking spaces provided after the addition is completed. All other provisions of County and State Ordinances pertaining to this application shall be met. Seconded, Mr. Barnes. Mr. Smith added that although the statements which the Telephone Company representative makes are very true, he would make it a part of his motion that the addition conform to the existing building in architectural design and brick construction. Seconded, Mr. Barnes. Carried unanimously.

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HAROLD AND GERALDINE JENKINS, application under Section 30-6.6 of the Ordinance, to permit erection of garage 30 ft. from Nutley Road, 2911 Swanee Lane, Providence District, (Lot 14, Resub. Lot 33, Briarwood Farms), (RE-1), Map 48-2 ((7)) 14, V-808-68

Mr. Jenkins stated that Nutley Road used to run by his property line but it has been relocated 25 ft. from his property line now. He would like to add a garage to his house. The garage would be 55 ft. from the actual paving of new Nutley Road.

Mrs. Henderson suggested putting a detached garage in the rear, but Mr. Jenkins said the property rises in the back and it would require a 4 to 5 ft. excavation, and would not add anything to the appearance of his property.

Mr. Smith pointed out to Mr. Jenkins that the Board cannot grant a variance if there is an alternate location which can be utilized and in any case, the Board must restrict the variance to allow construction of a one car garage.

HAROLD & GERANDLINE JENKINS - Ctd.

Mr. Jenkins stated that he bought the property and moved here twelve years ago. He is the original owner. The Highway Department told him that he could petition for abandonment of the Highway Department property in front of his house. Nutley Road is a divided road with a median gravel strip.

No opposition.

The applicant has indicated that he can construct a usable garage at the 40 ft. setback, Mr. Smith said. If this is possible, then this seems a reasonable request in view of the fact that he does have additional space separating his property from Nutley Street. However, he was not indicating that this would not be used as a road some time in the future, and the 40 ft. setback would provide adequate sight distance. In the application of Harold and Geraldine Jenkins, application under Section 30-6.6 of the Ordinance, to permit erection of garage 30 ft. from Nutley Road, 2911 Swanee Lane, Providence District, (Lot 14, Resub. Lot 33, Briarwood Farms), Mr. Smith moved that the application be granted in part -- that the applicant be allowed to construct a garage 40 ft. from his poperty line and that he not come any closer with the garage than 40 ft. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

The application of SHELL OIL COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, Bradlick Shopping Center, Annandale District, was allowed to be withdrawn (with prejudice) at the applicant's request.

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The application of RALPH KAUL, application under Section 30-7.2.10.5.9 of the Ordinance, to permit construction and operation of motel (120 Units), located at SW corner of Old Dominion Drive and Poplar Place, Dranesville District, was allowed to be withdrawn (with prejudice) at the applicant's request.

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JOHN C. AND RUTH E. JONES, application under Section 30-6.6 of the Ordinance, to permit fence to remain 6 ft. high, 20 ft. from Utterback Store Road, 440 Utterback Store Road, Dranesville District, (RE-2), Map 7, V-746-67 (deferred from Feb. 27)

Mr. Walter Keene of Suburban Fence Company was present. He stated that he was unaware that the fence restrictions contained in the Ordinance pertained to a fence this far out in the country, in what he termed a farming section. He works on a commission basis, he said, and Suburban Fence Company does most of the work that he sells. They put up the fence according to the Jones' wishes.

Mr. Jones again stated his wishes for having a fence this high, mainly to keep people and horses from crossing his property.

Mr. Smith listed circumstances which he considered unusual: Mr. Jones is incapacitated to a degree and he needs more than a 4 ft. high fence for keeping the dogs in and protecting citizens from them; no indication has been given that this is detrimental to any one in the area and he felt that the time was fast coming when the Ordinance was going to have to allow a greater height for the fence in the front yard to allow more protection for home owners. The Company is bonded and licensed but Mr. Keene is not; he should proceed immediately to get a license, and make himself aware of County regulations. If a building permit were required to erect a fence, it would prevent situations such as this.

Mrs. Henderson said that she felt the fence could be moved back and made to conform and still contain the dogs.

Mr. Smith stated that he felt there was reason to believe that an error has been made on the part of the fence company and he was sure that the most affected person, Mr. Jones, had no way of knowing other than through their guidance that this fence was in violation of the Ordinance. Also, Mr. Jones has testified that he would not have allowed the fence to be placed here had he known of the violation. After listening to all the testimony it appears that to have the fence remain at the present location and at its present height would be in the best interests of the property owner and the citizens in the area (protection from the dogs), therefore in the application of John C. and Ruth E. Jones, application under Section 30-6.6 of the Ordinance, to permit fence to remain 6 ft. high, 20 ft. from Utterback Store Road, 440 Utterback Store Road, Dranesville District, Mr. Smith moved that the application be granted as applied for. Seconded, Mr. Baker. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the fence could easily be made to comply and that the "general health and welfare" contained in the Ordinance is not for the individual but for the general community.

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March 26, 1968

LITTLE RIVER PROPERTIES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of restaurant 50.06 ft. from Little River Turnpike (Interstate Highway) 6227 Little River Turnpike, Springfield District, (C-N), Map 72-4, V-799-68 (deferred from Feb. 27)

Mr. Bettius represented the applicants. There is an old Esso station on the property at the present time, he said, which is not in operation. They are asking for a variance on the setback requirement of 75 ft. from the portion of #236 which is Interstate. The code states that a rear setback of 25 ft. is required but the Zoning Administrator has ruled that they have three fronts and would be required to set back 50 ft. from the rear also. By virtue of this particular ruling, and the fact that they are surrounded by three streets, the impact is tremendous. They dedicated 9,000 sq. ft. off the front of their site and were given a 20% reduction, reducing the setback to 60 ft. They are at 54.6 ft. The site plan has been prepared, showing buildable area on their site. They comply perfectly with two of the setbacks and the plan of development which they propose utilizes only one-ninth of the site. This is a very modest use -- a Hot Shoppe, Jr. This will be a distinct improvement over what is on the property now. They do not quarrel with the wisdom of the 50 ft. setback requirement but after careful examination, they feel this applicant was justified in believing when he purchased the property that he did not have to face such a stringent requirement It is a desirable thing, but when it hits such a commercial property on three sides the impact is tremendous, and when it prohibits a building which covers only one-ninth of the site, it is thoroughly in the purview of this Board's discretion.

Mr. Smith asked if Mr. Bettius was aware that Esso abandoned the station and acquired a use permit in another location because they could no longer use the location for a service station. When did Hot Shoppes acquire the property?

In June 1966, Mr. Thomas said. They spent a year or so in dedication etc. after that.

Were they aware of the 75 ft. setback requirement at the time of purchase, Mr. Smith asked?

No, they were not aware of that and the process of dedication was not completed. Secondly, they let Esso take care of the problems while they remained contract owners and Esso provided the dedication with their agreement, Mr. Thomas said.

Mr.Smith said he would like to take a look at Bragg Street to see how much traffic passes by this property. Could the size of the building be changed?

This is a standard designed building, Mr. Bettius said. The equipment is designed to the inch to fit inside the building. Esso will tell the Board that the blockage of access to #236, beginning at that intersection, was the main reason for their moving. He would welcome the Board to view Bragg Street -- not only is there little traffic, but he has never seen a car go on Bragg Street.

No opposition.

Mr. Smith moved to defer to April 9 to get additional information. Seconded, Mr. Barnes. Carried unanimously.

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IRVING W. AND PAULINE M. STANTON, application under Section 30-6.6 of the Ordinance, to permit construction of small building 32 ft. wide and 47 ft. long containing 2500 sq. ft. on State right of way line, east side of Backlick Road, approximately 300 ft. south of Franconia Road, Mason District, (C-N), Map 90-2, V-761-68 (deferred from February 27 for decision only.)

Mr. Barnes made the following motion, seconded, by Mr. Yeatman:

It appearing that the application of Irving W. and Pauline M. Stanton for a variance pursuant to Section 30-6.6 involves a particularly narrow lot and that a hardship exists, that the situation is unusual in that it was created by requirement and representations of the Virginia Department of Highways to obtain access to a parcel located to the rear of the Stantons' parcel, that the circumstances do not apply generally to other land in the County, that the circumstances and narrow condition of the land did not result from any action of the applicant, that the strict application of the Ordinance would deprive the applicant of the reasonable use of the land involved, that the granting of the variance required is necessary for the reasonable use of the land involved, that the variance as requested and shown on revised plat of the applicant dated February 3, 1968 showing a two story building with the first level 4 ft. from the north property line with the second story overhang of 4 ft. is the minimum variance which will afford relief, that the granting of the variance will not be injurious to the use of land and buildings in the vicinity or to the neighborhood or otherwise detrimental to the public welfare; it is moved that the variance be granted as revised and presented at the meeting of this Board on February 27, 1968, and as shown on plat presented at said meeting, said plat originally being dated September 27, 1967 and revised December 1, 1967 and February 3, 1968.

Mrs. Henderson noted that the record would show her serious opposition to this as she felt that there was another use which could be made of the land. It could be joined with other property and she thought it sad to jam up this already crowded intersection in Springfield where everyone is complaining now.

IRVING W. AND PAULINE M. STANTON - Ctd.

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Mr. Smith said he had hoped that this matter could be resolved without the Board granting the application, hoping that the motion will be denied. This land is minus any buildable piece of property. There was a question in his mind, he said, as to whether the Board had any authority to grant a variance on any land where there is no usable portion, especially when talking about building a building in the entire setback area. Not even one foot of this building would be on buildable area as set forth in the Ordinance. In all fairness to everyone connected with the application, he said, he would vote against it. This could set a precedent which could very well force the Board to be pressured into further grantings or be embarrassed; this is an unheard of precedent in granting a variance to build a complete structure in setback area, under these conditions. It was stated at the hearing that the Stantons have sold the property and will not benefit or suffer any hardship whether this is granted or not. The Board has worked very diligently trying to find a solution to the problem. He thought one had been arrived at. Another factor which he questioned was that this is the second time this application has been before the Board in less time than allowed by the Ordinance. Carried 3-2.

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NEW CASE:

SECURITY NATIONAL BANK, TRUSTEE, application under Section 30-6.6 of the Ordinance, to permit erection of one story temporary building (bank) and allow building closer to rear and street property line than allowed, part Lot 1A, Applegrove, Route 7 and International Drive, Dranesville District, (C-OH), Map 39-2, part 1A, V-811-68

Mr. Roy Spence requested permission for the applicant to construct a one story temporary building on Lot 1A. They now have a trailer on this small piece of property. The building would contain approximately 2,000 sq. ft. of space and would be torn down at the end of the three year period. They feel that during this time they can construct their COH development on the front part of this property and still save enough parking spaces for the use that they have here. They are in danger of losing their bank charter if they are not physically occupying the property in about a month or one and a half months so they are in quite a rush to get the structure underway. They have asked to have the site plan requirements waived at the Board of Supervisors meeting to be held tomorrow. They plan to construct the new bank where the trailer is now. The trailer is getting in bad shape.

Mr. Yeatman explained that when the Home Loan Bank Board creates a charter for a bank, that is the location in which they must operate and they cannot deviate from this location. It is understood that the Washington & Lee Savings and Loan Corporation has a charter to operate in the same area as well as the bank and they have received four extensions of their charter.

Mr. Baker stated that he was not voting on the application as he had an interest in the Savings and Loan; they have a charter that has been postponed about three times and they are on their last leg so to speak. They must get in before the end of June or July.

Mrs. Henderson asked if there would be enough parking spaces on the property.

At the present time there arefive spaces along the side, Mr. Spence said. It is possible that they might locate a sixth there;adjoining that property on the International Drive side, there is another one or one and a half acres of land zoned similarly and they could utilize the area along the side for six parking spaces during construction. They will have from five to nine employees and could probably get another eight to ten spaces along the side. This would not interfere with construction of the building.

Trailers have been successful, Mr. Smith said, and he had no objection to putting two trailers on the property if necessary, but he was concerned about this semi-permanent type building, especially when it involves a variance as to setback and height.

The trailers would also require a variance, Mrs. Henderson said.

Mr. Spence stated that the building will not be a permanent structure; they have no desire to leave it on the property when the main building is constructed. Drive-in facilities will be in the main building.

No opposition.

In the application of Security National Bank, Trustee, application under Section 30-6.6 of the Ordinance, to permit erection of one story temporary building (bank) and allow building closer to rear and street property lines than allowed, part Lot 1A, Applegrove, Route 7 and International Drive, Dranesville District, Mr. Yeatman moved that the application be granted for a three year period and that the temporary building be demolished at the end of three years; all other provisions of the Ordinance are to be met. There shall be no parking connected with this use on International Drive or any of the other streets in the area; the parking must be on the applicant's property or adjacent property. This is for a 15 ft. high building. There should be at least five parking spaces provided on this particular site. Seconded, Mr. Barnes. Carried 3-1, with one abstention -- Mr. Baker abstained and Mr. Smith voted against the motion.

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March 26, 1968

ORANGE HUNT SWIM CLUB - Col. DuFore was present to discuss his letter to the Board, asking that certain parts of the motion granting the application be deleted as they would serve no useful purpose. The Board voted to grant the requests, listed below:

1. Eliminate the screening fence east of the access to the parking lot.

2. Eliminate the chain link fence running north to the ingress and egress right of way from the northeast corner of the pool enclosure.

3. Eliminate the fence on the western edge of the parking lot running north and south.

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JAMES THOMPSON - Letter to the Board stated that the variance which the Board granted would not allow the construction of the house on the property. Mr. Smith moved that if Mr. Thompson is still the owner of the property, the Board may reopen the case. If a new owner is involved, a new application will have to be filed and Col. Wall should be notified of any new hearings. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed the request of JAMES AND SHIRLEY BOYETT and agreed that a new application should be filed.

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Mrs. Henderson noted the letter from Mr. Rodin regarding the skeet and trap shooting facility and found that all Board members had received copies.

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The Board discussed a letter dated March 25, 1968 from R. H. Gordon regarding property at 4124 Chatelain Road, Annandale, Virginia. The greater part of the property is zoned C-D and a small portion of the house and lot is zoned R-10. Would it be permissible to have a business in a portion of the house and let someone live in the residentially zoned portion?

The Board agreed that the property would either have to be used as a business or a home, but not for both.

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The Board agreed to schedule cases twenty minutes apart on future agendas.

The meeting adjourned at 4:45 P.M.
By Betty Haines

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

May 21, 1968 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, April 9, 1968 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.

TACO RANCHO, INC., application under Section 30-6.6 of the Ordinance, to permit erection of a restaurant 20 ft. from right of way line of #1 Highway, west side of #1 Highway, 150 ft. south of Lockheed Boulevard, Lee District, (C-G), Map No. 92-4 ((1)) Par. 77C, V-810-68

Mr. Runyon represented the applicant, stating that because of the State requirement for a service drive dedication of 46 ft., it is difficult to put anything on the site. The proposed building would be 20 ft. from the right of way line of Route #1. The Red Barn on adjacent property is actually 25 ft. and construction has not yet been completed.

Mr. Palmer described the proposed building as a 63 ft. long building, odd shaped. They will not hide the Red Barn's view.

Is this a competitor of Red Barn, Mr. Smith asked?

They are in the same business, Mr. Runyon replied, but the applicants sell Mexican food as their specialty.

No opposition.

In the application of Taco Rancho, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of restaurant 20 ft. from right of way line of #1 Highway, west side of #1 Highway, 150 ft. south of Lockheed Boulevard, Lee District, Mr. Smith moved that the application be approved in part, that the applicant be allowed to construct a restaurant building 25 ft. from the right of way line of Route 1. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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PATRICIAN ARMS NURSING HOME, (St. Michael's Catholic Church), application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of a nursing home, 200 beds, five story building, 200 rooms, east side of Ravensworth Rd., north of Bradford Dr., at the end of Pine Drive, Annandale District, (R-10), Map No. 71-1 ((9)), 7A, 8, 9 and 10, S-812-68

Mr. Adelard Brault stated that the nursing home would be operated by the Carmelite Sisters, an order of nuns presently operating twenty-eight nursing homes throughout the United States. This will be a non-profit venture and if the permit is granted and the home constructed and operated, it will be the only non-profit nursing home in Northern Virginia.

Mr. Brault outlined the need for such a home in the area, stating that Father Thomas J. Cassidy has been doing some preliminary work for Bishop John J. Russell, and has been in touch with Welfare departments of area governments. Miss Frances Duffy of the Fairfax County Welfare Department writes among other things: "....It will be interesting to know that there is a growing need for beds for assistance cases in Northern Virginia. In Fairfax County there are fifty-seven old age cases in nursing homes now compared to thirty-five a year ago....." Prince William County is ".....very pleased to learn that Bishop Russell is interested in establishing a nursing home in Northern Virginia. They need facilities of this type and the Welfare Department is able to pay for its patients...." Alexandria City writes that ".....delighted to know you are contemplating building a nursing home in Northern Virginia. Urgent need, particularly for low income and welfare cases. At the present time they have forty patients in nursing homes. The demand and difficulty continues to increase as a result of the Medicare program. Anticipated greater demand. Non-profit nursing home would be tremendous asset to the community and to all local welfare departments as private nursing homes are not interested in this economic group...." And finally, from the Washington News Report -- this statement: "All government departments involved now have orders to experiment with various schemes to reduce medical cost across the Board. One recommendation is clear -- more patients should be treated in nursing homes and clinics and not in expensive hospitals."

The land on which they seek to construct this facility is known as the St. Michael's Church complex, a 46 acre tract. This facility would be constructed on 8 acres located in the southeast corner, Mr. Brault continued. He introduced Mr. Lawrence Sage, of Mills, Petticord & Mills, architects.

They have tried to achieve a dignified and residential type structure, Mr. Sage explained. They have tried to place the home strategically in the tree area and hope to retain as much of the trees and natural setting as they can accomplish. The plan for the home

almost resolves itself, inasmuch as they are forced to follow many regulations of the Health, Education and Welfare Department. One of their rules is that no more than fifty rooms can be served by one nursing station. This automatically dictated four floors of nursing care. The farthest room from the nursing station cannot exceed 120 ft. There are three wings each of which have the farthest door 120 ft. from the center of the nursing corps. The first floor is devoted to services. The lower level is for the actual nursing element. Suites for various aspects of the nursing required will be provided. At the request of the Carmelite Order, a 200 seat chapel will be provided as a separate element surrounded by the Sisters' quarters, which, of course, in this type of home are the nucleus of the operation of the home. The Sisters are specially trained.

Some people feel that five stories creates a building of some size and might not be well thought of in this area, Mr. Brault continued. The top of the spire on St. Michael's Church is exactly the height of Pine Drive. They have located their building so that the top of it actually extends only 28 ft. above the elevation of the street at Pine Drive. Because of the heavily treed area, they doubt that the home would be visible from Pine Drive during the summer. The entrance to the home will be off Pine Drive as they feel that it would be more appropriate to enter through the residential aspect of Pine Drive rather than heavily traveled Ravensworth Road. They would hope to have paths for the elderly people to stroll. They have oriented the rooms so that there would be maximum sunshine in most, and have north rooms for people who don't want much sunshine. These are all single rooms with private bath, with bathroom facilities along the hallways also.

Mr. Smith was concerned about the access through the residential area. How many homes are involved between the proposed facility and Backlick Road, he asked?

This is approximately a three or four block length of street, Mr. Sage stated, a very nice community. Pine Drive is the direct access today to the St. Michael's Church and is used by neighborhood and church people. Nursing home traffic is not very heavy -- peak loads of traffic being on Sundays. There is twenty-four hour help. The employees' shifts are staggered so that the traffic would be no problem at all.

Mr. Smith agreed with the approach that it would be nice for all visitors to the home to come through a residential area, but it has been this Board's experience that any entrance such as this through a residential area is not in the best interests of the people.

Mr. Brault stated that he did not have expert information on this. On Thursday night before the Planning Commission, Mr. Pammell pointed out that a facility of this size would generate sixty trips per shift in traffic. However, this type of facility is different than that of a commercial operation for the simple reason that some of the help does not leave the facility. The nuns are in residence there, and in addition, the work is so staggered by the Carmelite Sisters, you would not have anything like the sixty trips per shift, he said. The objection to putting in an entranceway from Ravensworth Road is that if a non-profit foundation had to build the road it would be a tremendous increase in cost to the facility and they do not know how much, if any, would be included in the financing provided by the Hill-Burton Fund. If they do not get these funds, there will not be a project. He did not feel that the access from Pine Drive would create a substantial impact on the community.

This is a Catholic Order, Mr. Yeatman stated. Would a person of another faith be allowed in this facility?

There would be no requirements of race, color or creed, Mr. Brault replied. This is a nursing home for the elderly. The charges for care at Patrician Arms would be based on their cost of operation and the cost per month would be considerably less than in another nursing home.

Father Cassidy stated that this is strictly a nursing home and as a part of admissions, they must be referred by a private physician for nursing care. Instead of having one large dining room facility, there will be a smaller one on each floor adequate for the patients on that floor. There would be four of them, serving fifty patients on each floor. There will be bulk shipping on food carts of food prepared on the ground level.

Mrs. Henderson stated that she felt the use of Pine Drive should be discouraged. She felt that the reason for not having the entrance off Ravensworth Road was a matter of cost. She read the recommendation of the Planning Commission: "Subsequent to detailed consideration of the proposed use, the Commission unanimously recommended to the Board of Zoning Appeals that the subject application be approved and that the following specified conditions be prescribed: 1) that there be a 25 ft. dedication along the entire frontage of the St. Michael's Church property for the widening of Ravensworth Road; 2) that the developer be required to improve the unimproved short section of Pine Drive as it proceeds into St. Michael's Lane."

Mr. Smith suggested moving the nursing home closer to Ravensworth Road but Mr. Brault stated that they propose to locate it in the only wooded area on the tract.

This is a facility which will be serving an area, Mr. Smith said, not basically serving the people living in this community. The Board must take into consideration the fact that there would be youngsters playing in the street in this residential community and the increased traffic from this facility and the commercial vehicles necessary to serve this facility would create additional problems for the people living here.

Mrs. Henderson read several letters in favor of the application -- from the Health & Hospital Center, Dr. Murphy; from Miss Duffy of the Welfare Department, and Dr. Zollman, Director of the Fairfax Hospital.

Opposition:

Mr. Malcolm Wilson of the Fairdale Subdivision objected to the structure which he said was out of character with single-family dwellings in the area. He has lived in this location for ten years and this originally was a dead end road. The dead end that was there was broken away and the road continued through the church property. There are a set of gates installed directly below the second proposed parking lot which are intermittently and sporadically closed and there are already problems and hazards existing from the school. This is a substandard subdivision regarding lot size. The road is very narrow, there are no sidewalks or curbing. Children waiting along the road for school buses have had many close calls and additional traffic generated by this facility would increase the hazards which already exist. He stated that he is not against a nursing home, he thought it a wonderful thing, but it is inconsistent to operate a nursing home in the area of two schools with athletic fields and many outdoor activities. As an individual he would oppose both the access and the size of the structure, he said. He presented a petition signed by thirty-nine of the forty-seven homeowners in Fairdale.

Mr. Murtaugh, speaking in opposition, stated that Sipes Lane should be improved along with Pine Drive. They have had much trouble already with the traffic on Sipes Lane and people parking their cars along the road and walking up to the church.

Mr. Smith commented that parking there is prohibited by the Ordinance and all parking connected with the school and church should be on their property.

Mr. H. William Smith, resident of 7301 Pine Drive for fourteen years, stated that he would not object to a ten story nursing home in the area, but he would object to more traffic in front of his home. The traffic is already bumper to bumper on Sunday mornings, he said, and they block his driveway. He is a member of the Fire Service and on many occasions people would not let him out of his driveway. They have had constant trouble with speeders. His wife has been ill for many years and she cannot enjoy the front of their property any more because of the traffic and dust.

Nine people were present in opposition.

Mr. Brault assured those present in opposition that the scale model which he presented represented all new construction that would be on the site. There would be no outbuildings. The site has been inspected by Health, Education and Welfare Department officials and approved for Hill-Burton funds. The Hill-Burton application has not yet been approved -- a hearing is scheduled for next month pending the outcome of the Board hearing. The experience of the Sisters has been that twenty to thirty per cent of their patients are welfare patients and it is their intent to serve as many of the needy as possible. The home will be constructed by the Bishop of Richmond and deeded to the Sisters of Carmelite, Mr. Brault said.

In the application of Patrician Arms Nursing Home, application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of a nursing home, 200 beds, five story building, 200 rooms, east side of Ravensworth Road, north of Bradford Drive, at the end of Pine Drive, Annandale District, Mr. Smith moved that the application be approved with the following stipulations and conditions to be met prior to granting of an occupancy permit or temporary occupancy permit; that all traffic serving the facility will enter enter from Ravensworth Road; that the facility will be confined to the pattern as set forth in the model with the 200 bed-200 room facility as indicated. All of the building must be in the compact nature as indicated -- no additional construction on the top of the building other than that indicated as being an elevator structure; no air conditioning units or other facilities shall be added to this other than what is indicated. Site plan would be required for the use and the following conditions are to be met prior to occupancy: that 25 ft. for the full frontage of the property be dedicated for widening of Ravensworth Road; that Pine Drive not be used as access to the facility. All other provisions of the Ordinance applicable to this application shall be met. A new road from Ravensworth Road shall be provided directly to this facility and not past the Church. Seconded, Mr. Barnes. Carried unanimously.

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LINNEY WILLIAMS, application under Section 30-6.6 of the Ordinance, to permit construction of garage 5.5 ft. from side property line, 9101 Old Keene Mill Road, Lot 17, Keene Mill Heights, Springfield District, (RE-1), Map No. 88-2 ((3)) 17, V-813-68

Mr. Glenn Bean, surveyor, stated that it would be difficult to construct a garage any closer than what is indicated on the plat because of topography.

LINNEY WILLIAMS - Ctd.

Mrs. Henderson suggested moving this closer to the house, but Mr. Bean said it could not be done. There is almost a 10 ft. drop down to the property line and if they raised the garage it would be so far out of the ground it would make construction difficult; they would have to put in reinforced walls and it would look very odd.

What is the reason for such a sizable building, Mrs. Henderson asked, and was the screened portion originally the carport?

Mr. Bean said he did not think that it was a garage but did not know for certain, because Mr. Williams is the second property owner. The proposed addition will be a two car garage. Mr. Williams is in construction work and would like to house his automobile and pickup truck. The house was constructed approximately ten years ago; Mr. Williams has owned it for three years.

It is a peculiar lot, Mrs. Henderson stated, and obviously there will have to be some variance granted, however, a one car garage is all that she could vote for and this would require at least a 5 ft. variance.

No opposition.

In the application of Linney Williams, application under Section 30-6.6 of the Ordinance, Mr. Smith moved that the application be granted in part to allow the applicant to construct a garage 10 ft. from the property line, due to the irregular shape of the lot and minor topographic problems. This is a lot of approximately one-half acre in a one acre zone. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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WESSYNTON HOME OWNERS ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two tennis courts, 3206 Wessynton Way, Mt. Vernon District, (RE 0.5), Map No. 110-2 ((1)) 14 & 15, S-814-68

Mr. John T. Hazel, Jr., represented the applicant. Eighteen months ago the Board approved a use permit for the Wessynton Home Owners Swim Club, he said. This is a subdivision of 150 homes just north of the Mount Vernon entrance, and at the time they asked for the swimming pool permit the subdivision was in its early stages. At that time they talked about addition of other recreational facilities and now they desire to add two tennis courts between the swimming pool and Little Hunting Creek. The original permit was in the name of Miller and Smith, Inc., the developers. This is now owned by the Wessynton Home Owners Association.

Mr. Smith asked that Mr. Hazel submit a copy of the corporation papers and a list of officers for the file.

No opposition.

In the application of Wessynton Home Owners Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two tennis courts, 3206 Wessynton Way, Mt. Vernon District, Mr. Smith moved that the application be approved to extend a use rather than a new application. The original application was granted to the developers on August 2, 1966 and extended on July 18, 1967 to August 2, 1968. This is an addition to the original granting of a swimming pool and other facilities on the property, for two tennis courts that were shown on the original plat submitted with the above mentioned application. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT E. FLAHERTY, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10 ft. from side property line, 2614 Pioneer Lane, Lot 56, Shrevewood Subdivision, Providence District (R-12.5), Map No. 49-2 ((7)) 56, V-815-68

Mr. Flaherty stated that he has owned the property for nine years and is the original owner. He wished to enclose the existing screen porch which used to be a carport. This is a three bedroom rambler and they have five children so they need the extra space.

Did the Highway Department take the rear portion of this lot since you lived here, Mr. Smith asked?

Yes, Mr. Flaherty replied, and also the flood plain easement on the property limits his area of construction. It is not possible to construct in the rear because of the terrace and the flood plain. Sewer is under the second portion of the terrace.

No opposition.

In the application of Robert E. Flaherty, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed 10 ft. from side property line, 2614 Pioneer Lane, Lot 56, Shrevewood Subdivision, Providence District, Mr. Smith moved that the application be approved as applied for and that all other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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FRANK C. PAGE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 27.1 ft. from 20 ft. outlet road, Lot 1, Reddwarren, 7728 Oak St., Providence District, (RE-1), Map No. 39-4 ((9)) 1, V-816-68

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Mr. Galt Bready represented the applicant. This property is well suited to a split level house and carport or garage, he said. The subdivision was laid out in 1948 and this is the original size of the lot. They did have a perk problem but sewer is in now.

Why is the outlet road there, Mr. Smith asked?

Mr. Bready said he did not know why it was there. It is not shown on the County Assessment maps and is not used by anyone. Mr. Horace Jarrett put it on the plat.

No opposition.

The building permit application reads "house and garage", Mrs. Henderson said, and the plats do not show a garage.

Mr. Barnes moved to defer action for two weeks for corrected plats showing the 20 ft. garage and written notification from the other adjoining property owner. Seconded, Mr. Yeatman. Carried unanimously.

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MAY PROPERTIES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of a 7 ft. brick wall, Lots 5 thru 11, Sec. 1, Evermay, Dranesville District, (R-17), Map No. 31-1 ((13)) 5-11, V-818-68

Mr. May explained that they wished to build a double faced brick fence along Lots 5 through 11, 372 ft. in length. This would be 1 ft. from the property line and would be of the same brick as that on the Evermay entrance sign existing today. They want to have the fence for reasons of privacy and sound. The 3½ or 4 ft. fence allowed by the Ordinance would not give them the privacy they seek.

What would happen if a service road were required along Dolley Madison Boulevard, Mrs. Henderson asked?

They went before the Board of Supervisors years ago and they waived the service road, Mr. May said.

Who is going to pay for moving the wall if it ever becomes necessary to widen the road, Mr. Smith asked?

Although there are no plans for road improvements at this time, Mr. Knowlton said, and two years ago the service drive was waived at Mr. May's request, the Staff feels that there will be a need for service road and widening at some time in the future.

Mr. May stated that they are ready to start digging footings. They are concentrating more on selling these lots than on the whole subdivision. At the time being, the lowest priced house they have sold is a little over $63,000 and they go up to $90,000. The only way they feel that they could get anything commensurate with the area would be to have the fence and if they do not have it, they would probably have trouble selling even the $45,000 house. He did not anticipate this when he laid out the subdivision. He did not know how much traffic was on this road at that time. The cost of the fence will be in excess of $22,000.

Mr. Smith felt that people buying the lots should have the protection of a fence but it should be done in such a way that there would be no cost to the taxpayers if at some future time road widening takes place. If this application is granted, it should be a part of the granting that it would be the individual who would have to bear the expense of moving the wall.

Mr. May said he could not sell that to any of his customers.

No opposition.

In the application of May Properties, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of a 7 ft. brick wall, Lots 5 through 11, Section 1, Evermay, Dranesville District, Mr. Smith moved that the application be granted with the following provisions: that the variance be granted to each and every lot separately; to construct a wall 7 ft. high, brick as outlined by the applicant, 1 ft. off the property line in the area adjacent to Route 123 or Dolley Madison Boulevard. This wall may be built as a continuous wall by the developer or by the individual property owners who purchase the individual lots, all at one time or one at a time; that if the developer or individual property owner make use of this variance as outlined that the developer and individual property owners agree to hold his heirs and assigns responsible and that they agree as a condition of approval that if additional land is acquired for widening Route 123 or for a service drive, that the acquisition be done without cost for the wall. This means that the wall would be removed and replaced by the developer or the purchasers of the lots without making an additional application, and at the cost of the property owner and not be included in land acquisition by the State or County. The portion of the wall lying within the boundaries of each individual lot would be under the ownership and jurisdiction of the owners at the time of any acquisition or taking by State or County agencies. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

April 9, 1968

KENYON L. EDWARDS CO., INC., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 24.2 ft. from rear property line, Lot 10, Chesterbrook Hills, Dranesville District, (R-17), Map No. 31-4, V-817-68

Mr. Edwards stated that the wall of the house is not in violation, only the projection at the overhang. Mr. Cardwell drew the plans and the setback was supposed to be 26 ft. The house was set in error by 1 ft. Mr. Cardwell staked the house; the wall check went into Zoning and was certified correct. Then Mr. Cardwell left and Messrs. Runyon and Huntley ran checks and found three houses in the subdivision the same way. To their knowledge there are no others in error. They have checked everything.

No opposition.

Mr. Smith said that he could understand how the error occurred and he wondered if perhaps there could have been a lack of communication between the surveyor and the builder.

In the application of Kenyon L. Edwards Co., Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 24.2 ft. from rear property line, Lot 10, Chesterbrook Hills, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with paragraph 4 of the variance section of the Ordinance. This certainly complies with this section. All other provisions of the Ordinance relative to this application be met. Seconded, Mr. Barnes. Carried unanimously. This should be made a part of the record pertaining to this lot, Mr. Smith said.

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JOHN R. MITCHELL, application under Section 30-6.6 of the Ordinance, to permit division of lot with less width at the building setback line than allowed by the Ordinance, proposed Lot 11, Timber Valley Subdivision, Providence District, (R-12.5), Map No. 49-2 ((1)) 4C, V-819-68

Mr. Berl Erlich stated that their problem, as in the preceding case, was also caused by the recently departed Mr. Cardwell. They purchased this property and found that the front section next to the Worley property was only 75 ft. in width. They settled on the property about two years ago and presented preliminary plats to the County. When it came to final approval, the State came up with a sight distance problem which would involve tearing down 300 ft. of Gallows Road on each side of the entrance and relocating a Fairfax County water main directly in front of the property. All of that seems astronomical in order to develop only eleven lots, besides the normal on-site development. They wrote many letters to County departments and the State finally answered their last letter, telling them that the best thing they could do would be to come in the back way. They are requesting the side line variance because they only have 75 ft. and 80 ft. is the minimum required. They have sold the property to Mr. Hammer who has agreed to put up eleven nice homes. This would make a beautiful subdivision. The entrance to Lot 11 only would be off Gallows Road.

Mrs. Henderson warned that if the variance is granted for this lot, there could be no further variances for any structure that is placed on it. The house will have to fit the lot. A 51 ft. house could be put on it, and she would urge that it have a built in garage somewhere.

No opposition.

In the application of John R. Mitchell, application under Section 30-6.6 of the Ordinance, to permit division of lot with less width at the building setback line than allowed by the Ordinance, proposed Lot 11, Timber Valley Subdivision, Providence District, Mr. Smith moved that the application be approved as applied for, granting a 5 ft. variance in order to facilitate the construction and utilization of this one lot facing Gallows Road originally intended to be used as the entrance to the proposed subdivision. All other provisions of the Ordinance pertaining to this application must be met. Seconded, Mr. Barnes. Carried unanimously. There will be no further variances on this lot.

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BO-BUD CONSTRUCTION CO. OF VIRGINIA, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 21.54 ft. from rear property line, Lot 48, Section 2, Wynfield, Annandale District, (R-12.5), Map No. 71-2, V-822-68

Mr. Victor Ghent stated that he had no one but himself to blame for the error; it was purely a mistake on their part. The house was staked out in its correct position and the developers wished to flop it, putting the garage on the other side, to save a tree. They restaked it, and in the process, they overlooked the rear corner dompletely, and the developers put the garage on the same side that it was planned for originally and the tree had to go anyway. There is a mud room off the carport which is an integral part of the house design. They did not discover the error until the house was under roof. It is the mud room that is out of line.

No opposition.

Mrs. Robert Farris stated that she had no objection to the application but felt that it was pure carelessness which caused it.

April 9, 1968

In the application of Bo-Bud Construction Company of Virginia, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 21.54 ft. from rear property line, Lot 48, Section 2, Wynfield, Annandale District, (R-12.5), Mr. Smith moved that the application be approved as applied for; that the variance be made a permanent part of the deed of conveyance of property to the purchaser, and secondly, that the applicant place a lot line stake of permanent material such as a lead pipe at the closest point on the lot line between Lot 48 on which the variance is sought, and Lot 10, Section C, Alpine Subdivision, so there will be a permanent marker indicating the closest point of division between the two lots. All other provisions of the Ordinance pertaining to this application must be met. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX COUNTY SCHOOL BOARD, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to school 48 ft. from Beryl Road, Bren Mar Park Elementary School, 6344 Beryl Road, Lee District, (Public land), Map No. 81-1 ((1)), Par. 6, V-826-68

Mr. Ed Moore stated that they wish to enlarge the school which has a capacity of 420 students and enrollment of 463. Projected enrollment for September 1968 including kindergarten is 575 students; with the enactment of kindergarten in the County it has become necessary to enlarge and add rooms to many of the existing schools constructed prior to providing kindergarten.

The school itself does not have a setback restriction, Mr. Moore continued, and consequently they have discussed this matter with the County attorney who advises that interpretation of the law indicates that setback requirements would fall into the category on property adjacent to the school. Properties on one side of the school are zoned R-10 with a 35 ft. front setback. On the other side of the school is C-D zoning which has a 50 ft. setback, so consequently they have two setbacks. They are also asking for a waiver of site plan requirements. It is their intention to add five classrooms and a resource room. Three of the rooms will be used for kindergarten. In order to provide a maximum number of square feet and provide functional type classrooms, the proposed building would be only 48 ft. back from the road. They are also enlarging the cafeteria and kitchen, the new music science wing, with a physical education wing on the side. It is urgent that they proceed with this addition as the kindergarten has to be made available in all County schools by September of this year.

No opposition.

In the application of Fairfax County School Board, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to school 48 ft. from Beryl Road, Bren Mar Park Elementary School, 6344 Beryl Road, Lee District, Mr. Smith moved that the application be approved to grant a variance allowing the school addition within 40 ft. of Beryl Road. All other provisions of the Ordinance applicable to this application must be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

DORSEY W. WORLEY, JR., application under Section 30-6.6 of the Ordinance, to allow outdoor fireplace and grill closer to side property line than allowed by the Ordinance, 2331 Addison St., Lot 14, Oak Ridge, Centreville District, (RE-1), Map No. 39-3 ((6)) 14, V-793-68 (Deferred to view and for decision only.)

If no fire has been built in the fireplace, how can the Board assume that this will be hazardous, Mr. Smith asked. Using it as a grill only might not hurt anything. Burning of trash would hurt the trees. The property owner did not know that this was in violation or he would not have constructed it. The Board could allow it to remain for a year to see if it does have a hazardous effect and without some evidence that it has been objectionable, he would hesitate to require the man to remove it. The only objections presented to the Board seemed to be regarding smoke and damage to the trees.

In the application of Dorsey W. Worley, Jr., application under Section 30-6.6 of the Ordinance, to allow outdoor fireplace and grill closer to side property line than allowed by the Ordinance, 2331 Addison Street, Lot 14, Oak Ridge, Centreville District, Mr. Smith moved that the application be approved as applied for with the following stipulation: that the applicant burn nothing other than charcoal for barbecuing purposes in the outdoor fireplace -- no burning of refuse, wood or paper in this fireplace. In the event that the restrictions are violated ~~that~~ the Board upon proper notification and in compliance with the Zoning Ordinance would take action to revoke this variance and this should be made known to the applicant by letter notifying him of Board action. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voting against the motion as the fireplace is a structure and because of the violation it should be made to conform.

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FLEISHER DEVELOPMENT CORP., application under Section 30-6.6 of the Ordinance, to permit erection of five dwellings 25 ft. from front property line, located on Old Keene Mill Road approximately 2500 ft. west of Rolling Road, Lots 1 thru 5, Section 1, Keene Mill Station, (R-12.5 cluster), Map No. 89-1 ((1)) 4, 89-1 ((2)) 31, V-797-68 (deferred from March 12)

Mr. Rogers stated that they had obtained building permits for these five lots (included in the building permits for 49 lots) merely so they would be able to meet FHA commitment

and construction and loan commitments as well; they have not started building these five. These are very steep lots and the Board is authorized to grant variances in such cases.

Mrs. Henderson stated that she had viewed the property and was prepared to grant the variance until today when she found that building permits had been issued for the houses meeting the setbacks, indicating that they don't need the variances. If there is any consideration of granting the variances, some change should be made -- there is no reason for the carports to project in front of the houses, they could be moved back even with the front line of the house.

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Mr. Coldwell explained that in the rear of the lots they are faced with cutting 20 ft. below the natural growth that is there now. To move the houses forward on the lots would mean that they would have to take that much less earth out of those lots. They will have a slope at the rear and they are trying to make a bad situation a little less bad. They have discussed this with FHA and they would prefer moving the houses forward as much as possible.

Mr. Smith objected to placing the houses so close to Old Keene Mill Road.

In the application of Fleisher Development Corp., application under Section 30-6.6 of the Ordinance, to permit erection of five dwellings 25 ft. from front property line, located on Old Keene Mill Road, approximately 2500 ft. west of Rolling Road, Lots 1 thru 5, Section 1, Keene Mill Station, Mr. Yeatman moved that the application be granted as these are steep lots and under the Ordinance the Board can grant applications in situations of bad topography. The carports on the three houses should be moved back instead of projecting out in front of the house; the carports on Lots 1, 4 and 5 should be pushed back to the building restriction line. Seconded, Mr. Baker.

Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion.

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LITTLE RIVER PROPERTIES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of restaurant 50.06 ft. from Little River Turnpike (Interstate Highway), 6227 Little River Turnpike, Springfield District, (C-N), Map 72-4, V-799-68 (deferred from March 26, 1968)

Mrs. Henderson read the following letter from Humble Oil & Refining Company:

"April 1, 1968

Board of Appeals
Fairfax County
County Courthouse
Fairfax, Virginia

Gentlemen:

Mr. Ted Thomas of the Marriott Corporation has requested us to advise you the reason we abandoned our service station at Duke and Lewis Streets, Alexandria, Virginia and relocated to a new site on the west side of Lewis Street.

The Virginia Highway Department constructed a ramp from Duke Street to Interstate 95 (Shirley Highway) which included the frontage we had on Duke Street at the original service station location. Since the ramp was denied access and we would not be able to have direct ingress and egress to Duke Street at this site, it was necessary for us to relocate our facilities to the new outlet in order to maintain our business representation in this area.

Very truly yours,
D. G. Conant"

Mr. Bettius reviewed the background of the case and the events leading up to the filing of the application. This is a cafeteria type operation seating 101 people, he said, and there would be no outside drive-in facilities. The size of the building cannot be reduced -- this is a standard size pre-cut building and the equipment is designed to the inch for this use.

In the application of Little River Properties, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of restaurant 50.06 ft. from Little River Turnpike (Interstate Highway), 6227 Little River Turnpike, Springfield District, Mr. Yeatman moved that the application be granted and all other provisions of the Ordinance must be met. This is granted because of the unusual shape of the lot, due to the three roads. Seconded, Mr. Barnes. Carried 3-2, Mr. Smith and Mrs. Henderson voting against the application.

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April 9, 1968

The application of JOHN FORSTMANN was deferred to April 23 because no one was present to represent the applicant.

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Request to extend the permit for a service station on #236 near Prosperity Avenue - (Atlantic Station)

Mr. Barnes moved to grant a six months extension to September 1968. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed Mr. Hansbarger's problems connected with the Leone warehouse which burned down. Can it be rebuilt, he asked, since warehousing is no longer permitted in C-G zoning?

Consensus of the Board was that Mr. Hansbarger and Mr. Leone should search long and hard for a C-G use that might not take up quite as much space and provide some more parking, because some uses do not require as much parking as others. He could cut down on the size of the building to get more parking space.

The Board will view the property; it is a very interesting problem, and perhaps the Board should take a stand now in the form of a motion as to whether or not the building could be built for a warehouse or for any non-conforming use in the C-G zone, Mr. Smith said, and he would move that the Board uphold the decision of the Zoning Administrator, that this is a building group or a series of buildings.

The Board will discuss this on May 28 if Mr. Leone has a specific C-G use he wants to talk about.

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AQUINAS SCHOOL - The Board read a letter from Col. Futrell requesting that the 80 ft. dedication required by the Staff be reduced to 40 ft.

In view of the additional information and the undue restriction of the use of this property, and after hearing testimony by the operator of the school and recognizing the recommendation of the Staff, Mr. Smith moved that the dedication be in conformity with the Staff recommendation and be 40 ft. instead of 80 ft. He asked that the Zoning Administrator amend the motion granting the application to conform with this motion. All other provisions of the original motion and the additions to the original motion remain as granted previously. Seconded, Mr. Yeatman. Carried unanimously.

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TAJ ASSOCIATES - Mr. Troobnick: The Board determined that Mr. Troobnick should file an application under the section of the Ordinance dealing with dance halls.

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Request to install a pool at 6534 Arlington Boulevard, Falls Church, pool to be used by employees and employees of Blue Dolphin, Inc. who would build and install the pool: The Board agreed that the pool could be built for use by employees only. People might look at the pool but only the employees are to make use of it.

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The meeting adjourned at approximately 6:00 P.M.
By Betty Haines

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

May 24, 1968 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, April 23, 1968 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. Dan Smith.

WESTVIEW ASSOCIATION, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Route 29-211, approximately 200 ft. west of Route 28 (Sully Road), Centreville District, (CDM), Map 54-4, S-820-68

Mr. John T. Hazel, Jr., represented the applicant and submitted new plats showing divided pump islands and the building in a slightly different location than originally planned.

Mr. Knowlton reported that the site plan for the shopping center around this service station has been submitted. This area was shown on that site plan for a service station. The road on the west side of the service station is a service drive which is not parallel to Routes 29-211. In viewing the plats that were submitted, Mr. Knowlton said that he saw no reason for the variance requested. The service station and shopping center are all under the same ownership but the service station is coming in under a separate site plan.

Mr. Hazel stated that the service bays will face the service road instead of #29-211. There is plenty of land so there is no reason for a variance request.

No opposition.

The design of the station will be in conformity with that of the shopping center, Mr. Hazel said, very much like the Yorktown Heritage Mall Shopping Center. The distributor has not yet been decided upon; one of the stations that might go here is interested in a canopy and one will not be. There has been a great deal of effort and thought put into this particular center. Mr. Minchew has made an extensive survey of closed mall centers and found that he cannot pioneer in a neighborhood center. He has come up with a central mall patio arrangement with a restaurant on the upper level overlooking an open landscaped and graded patio with a very nice view of the mountains.

Mr. Smith commented that he was glad to see that service stations are being moved off of corners; this is an excellent arrangement.

In the application of Westview Association, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Rt. 29-211, approximately 200 ft. west of Route 28, (Sully Road), Centreville District, Mr. Smith moved that the application be approved for the use and that the service station conform to the overall planned development of this CDM zoned area for a community shopping center; that there be not more than one freestanding sign for service station out on the service station site; that the building and pump islands, other than the 25 ft. for pump islands from right of way line as indicated in the motion, meet all requirements of the Ordinance, and all other sections pertaining to CDM zoning. Seconded, Mr. Barnes. Carried unanimously.

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COLONIAL PIPELINE COMPANY, application under Section 30-7.2.2.1.8 of the Ordinance, to permit installation of (1) an oil-water separator; (2) replace existing sample cabinet with small steel sample building 12' x 12' x 8'; (3) construct retention pond with 7 ft. high aluminum wire mesh fence surrounding the entire pond, in accordance with brochure and plans filed herewith, 13100 Moore Road, Centreville District, (RE-1), Map 55-3, ((1)) 31A, S-825-68

Mr. Hardee Chambliss represented the applicant. He stated that Colonial has in this location approximately ten acres of property. A hearing was held last night before the Planning Commission at some length at which Mr. Smith was the member of the Board of Zoning Appeals appearing as the first protestor and spoke at considerable length against the application, saying that he was an interested owner in this general area, Mr. Chambliss said. He said that he has been practicing law in Fairfax County since 1939 and this is the first time he has ever been confronted with a Board of Zoning Appeals member appearing before the Planning Commission opposing an application in which he claimed to be interested. He questioned the propriety of it and the legality of it and suggested that Mr. Smith disqualify himself from participating in this meeting.

His reason, as he stated before the Planning Commission in the beginning of the argument in connection with this last evening, Mr. Smith said, was that he wanted to point out certain pertinent facts pertaining to the original granting of which the Commission might not be aware. He did not act as a protestor. The decision to grant the original application was based on certain stipulations in the original motion, Mr. Smith continued, and this was his basic reason for being before the Planning Commission. The Board had limited this and he thought had been very precise about any further expansion of this facility. The local people were under the impression that nothing more would be granted after the original granting and they reluctantly went along with it for that reason. He felt that the Board has the responsibility of enforcing use permits granted in the County and the citizens depend upon this Board to stick by their decisions. The Planning

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Commission indicated that they appreciated the facts presented to them, Mr. Smith said, and he in no way made any remarks which he felt would embarrass this Board or the County -- he merely pointed out the facts.

Even if the Planning Commission did not know the facts, it is up to this Board to make the final decision, Mrs. Henderson said, and the facts would come out at this hearing.

Mr. Chambliss stated that he had made notes on Mr. Smith's statements of last night. The statement that Mr. Smith did not urge the Planning Commission to recommend against the granting of this application is just mistaken -- he did recommend to the Commission to recommend to this Board that the application be denied. Mr. Smith claimed in his argument that this is not storage, that it is an enlargement of an existing facility; that at the original meeting of the Board of Zoning Appeals on March 24, 1964 that the 1.6 acres was to be enclosed by a fence and no other facility installed according to Colonial representatives' statements; that they had represented that the pumps could not be heard more than 50 ft. away. A third pump was installed and has not been silenced, Mr. Chambliss said that Mr. Smith told the Planning Commission. Statements of other witnesses before the Planning Commission showed that there was some slight spillage of oil in the past and the Chairman of the Planning Commission pointed out to Mr. Smith that if there were violations existing at the present facility, that was to be taken up with the Zoning Administrator and proper action would be taken against Colonial, and he did not see the relevence of such violations to the meeting of the Planning Commission.

Mr. Smith also said that he was concerned about additional expansion of this facility, Mr. Chambliss continued, and if that does not constitute speaking in opposition to an application, he did not know what does. In summary Mr. Smith urged the Planning Commission on behalf of residents in the area to recommend against the application, Mr. Chambliss said, and the Planning Commission vote was 6-3 for denial. The motion was made by Mr. Stull of Centreville district. In making the motion, Mr. Stull made probably one of the most extraordinary statements he had ever heard a County official make, Mr. Chambliss went on to say -- that the impoundment requested by Colonial in this location obviously anticipates that there will be spillage, and since there would be spillage, he moved that the motion be denied as far as the impoundment is concerned.

Mr. Chambliss stated that the precautions which they wish to install are purely in the interests of containing any spillage of oil that might result in the event of rupture of a gasket between flanges. Now it would run down through the natural watershed and go beyond the Colonial property where the hazards would be greater than it is now.

Mr. Smith said that he appeared before the Planning Commission as an interested citizen and also as the maker of the motion granting this use in its original form. The Board of Zoning Appeals unanimously passed the motion, indicating at that time that they felt there should never be any further expansion of the facility. The Ordinance does give a pumping station the benefit of having this type of operation in a residential area, but certainly with safeguards. The Board was told during the hearing that there would be no further expansion; no open storage of oil; no open flow of oil in any way. The statements are of record.

The motion shows that, Mrs. Henderson said, and so do the minutes, and she felt that it was slightly out of order for a member of a body who has final jurisdiction to appear before another Board to try to influence the vote. However, she said, she would leave Mr. Chambliss' suggestion that Mr. Smith disqualify himself up to his conscience.

Mr. Smith replied that he had no intention of refraining from voting on this application. He has no land in the area other than his house and one acre which is a couple of miles removed from this particular site. He appeared before the Planning Commission and this Board has had Planning Commission members appear here interested in certain applications before the Board. He did not believe that as long as there is no conflict of interest that any member of any Board of the County who can be of service to the citizens of the County should not appear before any Board to present pertinent facts.

Mr. Chambliss noted Mr. Smith's statements and registered his objection again, but proceeded with the case, asking the Board to consider each request separately.

The Board discussed the requirement of notifying two adjacent property owners and since there was a question of whether this requirement had been met by Mr. Chambliss' notices, he stated that he would leave it to the Board whether to proceed with the hearing or defer for those property owners to be notified. His secretary got the names and addresses of those he did notify from records at the Courthouse, he said.

Mr. Yeatman felt that the application was not properly before the Board and moved that the application be deferred until property owners who are contiguous to the property are notified. Seconded, Mr. Barnes.

Mr. Smith asked that the people present in opposition be heard but Mrs. Henderson felt that the Board should either defer the case completely or hear the whole case. If there are deficiences, those complaints are properly before the Zoning Administrator for his inspection and not before a public hearing by this Board. Application should be deferred to May 14.

Motion to defer to May 14 carried unanimously. (Note: It was discovered later after the hearing that Mr. Chambliss had a previous commitment for that date and could not be present on the 14th, therefore the date was changed to May 28. Interested citizens were notified by letter and the property will be reposted.)

April 23, 1968

1320 CLUB, application under Sections 30-4.1 and 30-4.2.5 of the Ordinance, to permit erection of addition to non-conforming building, 7415 Richmond Highway, Mt. Vernon District, (C-G), Map 92-4 ((1)) 92 and 93, S-821-68

Mr. Roy Spence represented the applicant, Mr. Reynolds, who was also present.

Mr. Spence located the property on the map, pointing out the C-G zoning on the westerly 200 ft. of the property and the R-17 on the rear. The building itself is in C-G, he said. A portion of the property has been paved. The building has been operated as a non-conforming use for approximately forty years. They would like to construct an addition, making a total of 10,000 sq. ft. in the building. At some time in the future it is possible that they might obtain a special permit from the Board of Supervisors for commercial parking on the rear property, or seek a change of zoning. The existing building contains 4,000 sq. ft. It is non-conforming as to use as a dance hall and as far as setback from U. S. #1. It is operated as a restaurant during the day and in the evenings a band is brought in for dancing.

If the building is in C-G zoning and is issued a use permit, then it becomes a conforming use, Mrs. Henderson said.

The use has been there for approximately forty years, Mr. Spence stated, and has never had a use permit. This was originally a log structure which was destroyed by fire and rebuilt in 1966. Damage was less than 50 per cent. Mr. Reynolds tried to use the existing log walls but the Building Inspector indicated that he could not rebuild the structure with those walls. In order to make a safer structure, Mr. Reynolds was required to construct the present existing brick structure. This is a new building restored in its previous location. The building is still non-conforming as far as setback is concerned.

If this were a restaurant only, it would be a conforming use, Mr. Spence continued, but the dance hall would only be conforming with a use permit.

Why did they not bring this building into conformity before they rebuilt the new building on the site, Mr. Smith asked, so they would be able to enlarge?

They used the same foundation, Mr. Spence said. If he had rebuilt in another location he would have of necessity, complied with the site plan requirements and provided a service drive, storm drainage, sewerage, etc., and at the time he could not afford it. He rebuilt in this location, which he had a right to do, and he took advantage of this. He is now coming back asking for an extension, intending to comply with as much as he can on the site plan requirements. From 11:00 a.m. to 3:00 p.m. lunch is served, Mr. Spence stated, and from 5:00 to 8:00 p.m. they serve dinner. From 8:00 p.m. to 12:00 midnight there is a band on the premises and dancing is allowed. At the present time the structure is limited to 235 people by the Fire Marshal and they are having to turn away customers. He presented a copy of a letter from the Police Department stating that the 1320 Club has a very good record with their department as far as police services are concerned. Only two instances required their attention during the past year, both minor in nature.

Cars were parked on the State right of way when he was down there, Mr. Smith said, and this should be corrected.

They plan to put signs there to discourage the parking, Mr. Spence stated, with a fence across the front of the property. When Route 1 is widened this will alleviate the parking problem. They feel that they can meet the parking requirements for a 10,000 sq. ft. building, even if the staff requires 3-1 ratio. The plans for the highway are to come in 7 ft. from their property line. They are willing to comply and dedicate the strip of land, to construct the paved area and curb and gutter along the full front of the property 7 ft. from the existing property line.

The Staff report says that the preliminary plans show the curb through the entry of the existing building, Mrs. Henderson said, taking off the front of the building.

The preliminary plans did show that, Mr. Knowlton explained. Further on in the report it states that the Staff has had conversations with the Highway Department and are informed that final plans are out now showing 47 ft. from the center line facing the curb, putting it very close to the entry and that the taking line including the shoulder on the other side of the road did include that entry. The taking line allows for utility poles, fire hydrants and sidewalks.

Mr. Spence stated that they would have to remove the present entrance and put it in some other location on the building. They would be willing at no cost to the State or County to dedicate the land and construct at no cost to them. The county plans a storm sewer along Route 1 across the front of their property. They would build or bond themselves to build the pipe across the full front of their property and in addition pay their pro rata share across the property at such time as the County calls for it. All of these are requirements of the site plan Ordinance and they would be willing to comply with them. As far as the service drive goes, they can give access on the north side of their property for a service drive extending in a northerly direction, but as far as to the south, Mr. Reynolds has indicated that if some time in the future the property might be condemned, he would like to collect in condemnation the cost of his building that is involved. One of the points for a service drive is to allow adjoining

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properties to have access one to another without going on the main thoroughfare. They would propose at such time as this is developed that they develop in conjunction with the Wills and Van Meter entrance and exit to the property convenient to them and the applicant so that traffic could move from this parcel. If the application is refused, there would be no site plan and the County would then acquire none of the pro rata share, none of the storm sewer, and would have to pay for highway widening, etc. The applicant is dedicating and giving as much as possible to give under the circumstances.

Is there any reason why the entire building could not be moved back, Mr. Baker asked?

Mr. Spence said this had not been considered.

It seems that since there is a question as to the legality of construction; apparently there is some question if one gets into fine details, Mr. Smith said, whether it should have been constructed on its present foundation.

This has been considered by the Board of Supervisors and the County attorney, Mr. Spence said. When the Staff says that the expansion of the structure would increase the acquisition costs of the land, this is not correct, he said, and placing this addition on the back of the property would not increase the cost of condemnation.

It is very possible that the State might see fit to cut this business off completely from Route 1 unless they can provide a service lane of their own, Mr. Smith said.

They have a non-conforming right and the State cannot cut off their access from Route 1, Mr. Spence contended, and if the State comes along and tries to condemn for a service drive, they are perfectly willing to dedicate the land, construction, and service drive, and argue about the cost of the building.

How can the Board justify granting an addition to a non-conforming building above the twenty-five per cent, Mr. Smith asked?

Mr. Spence said that he did not think that section of the Ordinance would apply in this case.

When the building was reconstructed, did you get more usable space, Mr. Smith asked?

No, they got the same space, Mr. Spence replied. The seating capacity of the old Log Tavern was 238 also. The size of the non-conforming use has not changed. Mr. Reynolds was required to build a brick building because a frame building is not allowed in certain fire districts. If at any time this building is ever removed or if part of the building were taken by the highway, they could utilize the addition that is being requested plus whatever is remaining, and place a brick wall architectural front. Mr. Reynolds has owned the land for three years. This has been operating for forty years as a night club and dance hall.

Since there is no deceleration lane, Mr. Smith felt that allowing a greater seating capacity in the building would be hazardous.

If the permit is not granted, the service drive will not be constructed, there will be no dedication, and none of these facilities will be placed on the property, Mr. Spence said. The State will have to condemn the land and the figure which they have shows the cost of constructing curb, gutter, sidewalk, pavement, storm sewer and pro rata share to be over $10,000. If the Board turns this application down, they turn down $10,000 worth of improvements which the State will have to pay for. As a matter of right, the applicant can go on the back part of this property and construct a separate building for a restaurant only, no dancing, and be perfectly conforming and not have to go before this Board or anywhere else. It would be the same thing and yet he can do this as a matter of right. They would have to go before the Board of Supervisors for a waiver of site plan.

Mr. Smith said he doubted very seriously whether they could construct by right. He did not believe they would be able to meet parking requirements.

They have 90 spaces now, Mr. Spence said, and they can almost double that.

Opposition: Mr. David Southerland, 2220 Martha's Road, stated that the present building and use are violating the current zoning laws in two respects -- they have no permit for the dance hall. He was also concerned about whether this building and use are non-conforming within the meaning of the provisions of the Ordinance by virtue of their recent construction. The building was completely down at one point and outside the 50% limit contained in the Ordinance. This should have cleared the way for the straight shot of the service drive but then it was put up again. If the building permit was issued in order to permit what was done here, it required a submission from the owner that the building was still 50% good and that would come pretty close to fraud on his part. Mr. Spence has said the log walls were worth about one-half the value of the building. The roof was caved in, the walls were down and the interior was gutted. They started with a brick row at ground level and upward, and Mr. Southerland said he felt that examination would show that the foundation was changed also. A repair permit could not authorize this and no County employee could turn a repair permit into a new building. The applicant therefore put up a new building outside the scope of the Ordinance.

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1320 Club - Ctd.

Mrs. Marilyn Klein of the Mt. Vernon Woods-Fairfield Citizens Association stated that if the building was valued at $60,000 at the time it burned, it is clearly in excess of that now. There should not be anything else added to its value since it is clear that the State will have to pay for it when the service lane is acquired and widening of Route 1 takes place. The walls were up literally in two days. There have been serious accidents in this location and the use should not be expanded.

Mr. Gene Wills of Wills & Van Meter, owners of eighty-eight acres of property adjoining the 1320 Club, stated that they have apartments built there now and other land zoned for apartments. They asked their property manager yesterday at Mount Vernon Square his opinion of the 1320 Club and surprisingly they have not really had any difficulty with them. They try to get along with their neighbors. They hoped the policy of policing and the record they have had in the past will continue. They are very concerned with their investment, Mr. Wills continued; they have expended about eight million dollars already and the total job will be close to twenty-four million dollars. They need a service road for the two thousand apartments, and he said he would work toward having any of the large property owners along Route 1 voluntarily give service roads at no cost to the Highway Department in order to have the service road, and grass center strip instead of concrete, and try to get underground wiring along Route 1.

Mr. Smith said he did not believe the use was under question, and stated that any decision he would make on the application would not be based on use but on the present non-conforming status of the building and the hazards it presents to the patrons of the establishment.

Mr. Bill G. Evans, Mount Vernon Council of Citizens Associations, agreed with Mr. Smith. The building is setting astride what was intended to be a service lane, he said. They do not think the building should have been constructed. It is an unfair asset that this owner has taken, aided and abetted by a mistake on the part of the County. It should not be allowed to continue, let alone be allowed to be built there. It is a traffic hazard; parking is a problem now. There is not supposed to be parking in the front, but people do park there, and it would take a full time policeman to keep people from parking in front. The applicant's offer to the County is no more than he would have had to have done had he met site plan requirements, Mr. Evans continued, and he is only offering to do what was required in the first place and this is not really a generous offer.

There are a number of places that are non-conforming along Route 1, Mr. Spence said. If this were the only remaining link along here, this might be a point well taken. If this application is denied the County will have passed up two opportunities to acquire these things. The extension they are requesting will not materially affect traffic or the health or welfare of anyone.

Mrs. Henderson read the Planning Commission recommendation for denial.

Mr. Smith said he did not believe the Board could base a decision on the acquisition costs by the State or County, but should base it as the Ordinance indicates, the intensive use of a parcel of land or building that is now in a non-conforming status and presents a hazard to entrance and exit because there are no proper roads to serve the facility. For these reasons and because he believed the Board has no authority to go beyond the twenty-five per cent indicated in the Ordinance, he moved that the application of the 1320 Club, application under Sections 30-4.1 and 30-4.2.5 of the Ordinance, to permit erection of addition to non-conforming building, 7415 Richmond Highway, Mt. Vernon District, be denied. He said he concurred with the Planning Commission recommendation as to additional cost but did not believe this was a factor the Board could consider under the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

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HOLMES RUN ACRES RECREATION ASSOCIATION, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit parking, picnic area, bath house, tennis courts and shuffleboard, Lot 6, Holmes Run Acres, north side of Gallows Road, approximately 300 ft. west of Executive Avenue, Annandale District, (R-12.5), Map 59-2 ((9)) 6, S-823-68

Mr. Douglas Adams represented the applicant. The Holmes Run Acres Recreation Association, Inc. have operated a pool and recreational facilities in this area since 1953, he said, and the motion granting the permit restricted them to 400 members. They have entered into contract to purchase approximately two additional acres for expansion of their existing facilities, but there would be no increase in membership.

The building is shown on the property line, Mrs. Henderson said, and should be moved across the line by one foot in order to tie up both lots.

Mrs. Hercules asked to be assured that the applicants would not cut down the trees which they promised would be left. The trees have an historic value as they were planted by Theodore Roosevelt.

Mr. Adams said they did not intend to imply that there would be no trees cut down on the lot. They will pull out the underbrush in the natural perimeter and plant some type of barrier type shrubbery in addition to what is already there. All trees will be left where they can possibly be left.

The existing facilities cannot be seen through the trees now, Mr. Adams said, and their experience has been that they have attempted to preserve all the trees they can and will attempt to do the same in this case.

Mrs. Henderson asked why the building could not be turned around, move the tennis courts over and leave more trees.

Mr. Richard Stephens, 3407 Cypress Drive, stated that he had talked with all the abutting property owners and described what they propose to do on the property. The proposed building would serve as a gate house and if the location is changed it would preclude this use.

Mr. Smith thought it would be well to indicate on the plat the large trees that would be left on the property so there would be no misunderstanding later on.

Mr. Stephens described the building which they propose to construct -- it would be divided into two portions, a men's and ladies' portion. Entrance to the facility would be by signature or identification at the gate, and from there, directly into the men's or women's section of the building. He did not wish to say that the building could notbe changed around, but a building such as this would be preferable to the association.

Have the existing parking facilities been adequate, Mrs. Henderson asked?

Mr. Stephens replied that they had been satisfactory.

Mrs. Henderson noted that the existing and proposed parking spaces would have to be pushed back to dedicate whatever the figure might be as to 40 ft. from the center line of Gallows Road.

Whatever is required to make it 40 ft. from the center line will be given, Mr. Adams assured the Board.

It might be advisable to have only one entrance on Lot 6 and one on Lot 7, Mrs. Henderson suggested; she thought that there were too many entrances shown on the plat.

Opposition: Mr. Pete Chaconas, owner of property adjacent to the facility and across the street, stated that he had had trouble renting Lot 8 because people do not like the noise from the pool. He owned this property long before the pool was built. He has complained many times about the wild parties, the reckless driving of cars leaving the facility, and the parking along both sides of the roads. The Police Department put up "No Parking" signs but they were pulled down by people leaving the pool. The posting sign was torn down the same day it was put up. He also complained of dust from the driveway and the constant noise.

Mrs. Henderson explained that today's Ordinance is much more stringent than it was in 1953 when the original permit was granted. They would be required to have a parking lot with a dustless surface at the time of granting and it will have to be made dustless now to comply with the present Ordinance. The noise factor will also be controlled because the Board has set a closing time of 9 p.m. for pools throughout the County.

Nine families were present in opposition to loudspeaker noise, music, traffic and dust.

Mr. Adams stated that the applicants intend to comply with all County restrictions. This application, if granted, would help solve the problems rather than intensifying them. They close every night at 9 p.m. except on Fridays when they have adult night until 11 p.m.

The Board has in the past restricted the closing time to 9 p.m., Mr. Smith said, with the exception of possibly one night a month. He realized that this might have to change, he said, because teenagers need more recreation during the summer. He went over the permit that was granted in 1953 and said they were granted everything they are asking for now, on Lot 7, and this operation could have been much more intense than it is now. The loudspeaker noise should be contained on the property and this might mean having more speakers rather than a central speaker.

What is the capacity of the parking lot, Mrs. Henderson asked?

Sixty spaces, Mr. Adams replied. They have 368 members and are limited to 400. The Association is a member of the Northern Virginia Swim League and hold an average of three meets per season. In these instances they publish to the membership to park in the Woodburn School parking lot and walk up to the pool, leaving the parking lot for the guest team.

There should be no parking along Gallows Road, Mrs. Henderson warned, and someone from the organization should police it.

In the application of Holmes Run Acres Recreation Association, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit parking, picnic area, bath house,

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HOLMES RUN ACRES RECREATION ASSOCIATION, INC. - Ctd.

tennis courts and shuffleboard, Lot 6, Holmes Run Acres, north side of Gallows Road, approximately 300 ft. west of Executive Avenue, Annandale District, Mr. Smith moved that the application be approved in conformity with the plats submitted; that buffers as indicated be left in areas indicated. This is an extension of permit granted on April 23, 1958 on Lot 7. The two facilities are now being combined; that the present application be combined with the existing use permit and that the existing use as well as the new use conform to the conditions set forth in the granting of this extension; that the applicants contain all noise and noise pertaining to loudspeakers, on the property itself, and that all lighting be contained on the applicant's property. All parking connected with the operation shall be contained in the parking lots as set forth or in additional parking facilities as outlined by the applicants; that all other provisions of the Ordinance pertaining to the application including site plan be met unless waived by the proper authorities. It is understood that in the site plan there will be only two methods of entering and exiting from Gallows Road; that the time of closing is set at 9 p.m. and the opening time will be 9 a.m., noted, however, that classes or meets may begin before 9 a.m. Any time that the Association desires to remain open beyond 9 p.m. that they apply to the Zoning Administrator specifying certain dates and times they wish to remain open for other activities. 110 parking spaces shall be provided and if this does not prove to be satisfactory they will have to acquire additional parking space from the School Board at Woodburn School. This motion is meant to tie the two lots together and bring the existing facilities into conformity with the addition. It should also be included in the motion that there be dedication to 40 ft. from the center line of Gallows Road, in any event. That the operation be allowed to remain open until 11 p.m. six Friday nights per season and if they need additional nights they should notify the Zoning Administrator. (If it rains that night and they don't use it, they get a rain check.) The Zoning Administrator should be aware of when the pool is to remain open longer in case there are any complaints. If there is a valid objection to it, of course, it will have to be curtailed. Seconded, Mr. Barnes. Carried unanimously.

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BURGUNDY FARM COUNTRY DAY SCHOOL, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit additional building for existing use (multi-purpose building, including classrooms, gym and auditorium), no increase in enrollment, Parcels 5, 6, 8, north off Burgundy Road, Lee District, (R-10 and R-12.5), Map 82-2 ((1)), S-824-68

Mr. Douglas Adams represented the applicant, stating that this is a request for an extension of an existing use permit. The first permit was obtained in 1946 and the school has operated continuously in that location ever since. Their policy is not to permit more than twenty students per class and not more than one class per grade. The proposed building would give more flexibility in the school operation. The total area of the property is roughly 24 1/2 acres. The school has been devoted to retaining open space for the study of nature and it is very important that they keep this open space and nature trails which they have there.

Mr. David Rosenthal, architect, showed the formal plan for the classrooms, gym and auditorium, stating that the construction would be of rough sawn yellow pine. There is no second level contemplated, he said. There is very little flat land and they made use of what they had.

The resolution passed in 1961 did not specify the number of students, Mr. Adams said, but they would only have 200 students maximum.

No opposition.

In the application of Burgundy Farm Country Day School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit additional building for existing use (multi-purpose building including classrooms, gym and auditorium), no increase in enrollment, Parcels 5, 6, 8, north off Burgundy Road, Lee District, Mr. Smith moved that the application be approved as an expansion of the original use permit granted June 1946; also in conformity with the additional classroom building granted July 18, 1961; that the applicant be allowed to construct an additional multi-purpose building with a maximum number of 200 students at any one time in the school. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JOHN D. H. KANE, application under Section 30-6.6 of the Ordinance, to permit construction of addition to dwelling 29.5 ft. of front property line, 1615 Forest Lane, Lot 528, Section 1, Chesterbrook Woods, Dranesville District, (R-17), Map 31-4 ((4)) 528, V-827-68

The house was built in 1938 with a single family garage, Capt. Kane said. He would like to build an addition maintaining the architectural style of his house. The surrounding grounds are entirely covered by large shade trees which would have to be removed if the addition were put on any other part of the lot. The only access to the east of their house is by the back stoop which is not the most attractive way in. They would like to have the second garage with sun roof and all the neighbors have indicated their approval. They would extend the one story addition with sun roof to the one car garage. They have lived in this house for ten years.

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JOHN D. H. KANE - Ctd.

Mr. Gene Wills spoke in favor of the application. There are only four houses on this street, he said, and a 27 ft. travel lane which is only used by four families. There would still be 44 ft. between the structure and the travel lane.

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Do the other houses have two car garages, Mr. Smith asked?

In almost every case, Mr. Kane replied.

It is not a hardship under any circumstance not to have an additional garage when one already exists, Mrs. Henderson said. No matter how desirable it is, and how much it would improve the property, it is not a hardship under the terms of the Code the Board must abide by. It does not amount to confiscation of the land if the application is denied.

This is an old house in an old subdivision, Mr.Smith said, with no possibility of future expansion and in view of the grassy 14 ft. from the curb, he felt that an unusual situation existed.

Mr. Yeatman wished to view the property before making a decision. He moved to defer to May 28 for decision only. Seconded, Mr. Smith. Carried unanimously.

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JOHN M. BROZENA, application under Section 30-6.6 of the Ordinance, to permit erection of garage 31 ft. from front property line, Lot 426, Block J, Section 4, Monticello Woods, 6500 Carrsbrook Court, Lee District, (R-12.5), Map 80-4, V-828-68

Mr. Brozena asked that he be granted a 9 ft. variance to build a two car garage, 22 ft. wide and the length of the house.

Mr. Smith felt that a driveway this close to the intersection was a hazard. Also, since this is a recently developed subdivision, he would like to know how many houses have carports or garages. It might be better to have the garage on the other end of the house, he said.

That side has no entrance, Mr. Brozena said. Also, the proposed location is the only level spot on the lot.

There is room to build a single 13 ft. garage without a variance, Mrs. Henderson commented, and most of the houses don't even have that.

Mr. Smith felt that the application should be deferred to allow the Zoning Administrator to check the subdivision to see how many houses have two car garages or carports and report back, and also for the Board to view the area to see if there are any unusual characteristics which could be taken into consideration.

No opposition.

Mr. Smith moved to defer to May 28 for decision only. The applicant can build a one car garage by right. It is the policy of the Board to explore all possibilities prior to denial and at this time he could not vote in favor of a two car garage without some additional information and viewing the property. If at any time between now and May 28 the applicant decides that he would like to go ahead with a one car garage, he may do so at the request to withdraw the application, or it could be denied. Seconded, Mr. Yeatman. Carried unanimously.

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ALBERT E. THOMAS, application under Section 30-6.6 of the Ordinance, to allow less frontage on Westridge Court, for proposed Lot 508, (15 ft. ingress), 5931 Westridge Court, Lee District, (R-12.5), Map 81-4 ((1)) 7, 88, V-829-68

Mr. Thomas stated that he would like to have a 15 ft. entrance and frontage on North Ridge Court, for Lot 508 which is a one acre lot which was laid out separately from Lot 7. Prior to his purchasing the property there was a large home on it which the County had condemned. He lives on Lot 7 now. Upon purchasing the property they completely removed the old structure to the satisfaction of adjoining property owners. They have lived on Lot 7 for four years.

What was the ingress to the old house that was there, Mrs. Henderson asked?

There was a 10 ft. easement along the fence on the back of the property to Route 805 and this has long since been cut off, Mr. Thomas said.

No opposition.

In the application of Albert E. Thomas, application under Section 30-6.6 of the Ordinance, to allow less frontage on Westridge Court, for proposed Lot 508, (15 ft. ingress), 5931 Westridge Court, Lee District, Mr. Smith moved that the application be approved according to plats submitted. The land is landlocked and without the variance sought being granted it would amount to confiscation of the property. All other provisions of the Ordinance shall apply. Seconded, Mr. Barnes. Carried unanimously.

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April 23, 1968

SUN OIL COMPANY, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, intersection of Gallows Road and Cedar Lane, Providence District, (C-D), Map 39-4 ((1)) 3, S-831-68

John T. Hazel, Jr. represented the applicant. The property is located on the corner opposite the Dunn Loring Firehouse, he said. Part of this ten acres was zoned C-D about a year ago by the Board of Supervisors and at the time of rezoning it was represented to them that this corner would be the site of a service station. The application was granted with that representation having been made. They propose to erect a three bay Colonial station of brick. The structure willset back 75 ft. from both Cedar Lane and Gallows Road and the pump islands will be 25 ft. from the new right of way so there is no necessity for a variance.

Mr. Vanderwende, adjacent property owner, spoke in favor of the application.

No opposition.

In the application of Sun Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, intersection of Gallows Road and Cedar Lane, Providence District, Mr. Smith moved that the application be approved for a three bay Colonial brick service station in conformity with the picture presented to the Board; that the building meet all setback requirements of the Ordinance and that pump islands will be no closer than 25 ft. from the right of way of either Cedar Lane or Gallows Road. All other provisions of the Ordinance pertaining to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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THE LEARY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit six trailers to be used for private school, grades 2 thru 8, ages 7 to 15 years, 5 days a week, hours of operation 9 a.m. to 4 p.m., 90 students, located on Rectory Lane, Annandale District, (RM-2), Map 70-2 ((1)) part 1, S-830-68

Mr. John T. Hazel represented the applicant who was also present.

The school is presently operating on Columbia Pike, the original site of the school, Mr. Hazel stated, and in an annex located in a commercial area of Heritage Shopping Center off Heritage Drive as part of Americana-Fairfax. They have found that the demand in the school annex has been so great they are trying to accommodate for their own purposes and as a convenience to the people in Americana-Fairfax some additional students. This is a school of particular significance for children who need special attention. The applicant is in the process of negotiating with the owners of Americana-Fairfax for a permanent school site on the north side of the shopping center. On the south side of the location shown in this application is a graded flat surface available immediately adjacent to the existing commercial area on which a trailer operation can be located. This application is the result of a determination after the trailers were ordered and about to be installed that the RM-2 zone would not allow this without a use permit. Last fall when Mr. Leary inquired about putting the trailers there in connection with the operation he was advised by people in the County offices that this was part of the RM-2 area. The trailers are available to be installed. The permit is for a two year term. There is a letter in the file agreeing to put a fence along the Spessards' property line to their satisfaction. The trailers will meet all County requirements and are, in fact, a little more deluxe than the trailers which the County School Board has used on occasion in the County. The Planning Commission recommended unanimous approval.

Why has Mr. Leary not complied with the site plan requirements on the Columbia Pike property, Mrs. Henderson asked?

The Staff report which the Board has is about three weeks old, Mr. Hazel said. Since that time the planning profiles have been approved and the project has been bonded and construction has now commenced, Mr. Hazel continued. The reason it was not done before was because of economics. The cost was between $15,000 and $18,000 and the school had not been in business long enough to accumulate that. Mr. Leary has now complied and the project is underway.

On April 10, Mr. Knowlton said, he received a letter from Mr. Hazel guaranteeing that the work would be begun prior to this meeting. He cannot deny that the work was begun but the last time he was able to get any evidence was at 3 p.m. yesterday and at that time there was no equipment on the property and no work being done.

The equipment was working last Thursday, Mr. Leary stated, but since he had no contract or firm price with the man, he asked him to take the equipment off the property.

In any event Mr. Leary is bonded to complete this improvement within twelve months, Mr. Hazel informed the Board.

Mr. Knowlton reported that the Staff has discussed this and Mr. Chilton asks that the Staff recommend that the application be granted because they certainly do not want to interfere with a school of this type which is so badly needed in the area, but that it be granted on two conditions: that no building permit be issued for these trailers until something starts on Columbia Pike, and that no occupancy permit

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be issued for the trailers until such time as the project on Columbia Pike is nearing completion. There is no real reason why the work could not proceed at this time since this is prime construction weather.

Mr. Hazel stated that Mr. Leary would have the work done before the weather cut-off time occurs in the fall - by the first of November.

Mrs. Henderson noted fourteen letters in approval and a note from Mrs. Donahue also in favor of the application, and the Planning Commission recommendation for approval.

In the application of Leary School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit six trailers to be used for private school, grades 2 thru 8, ages 7 to 15 years, 5 days a week, hours of operation 9 a.m. to 4 p.m., 90 students, located on Rectory Lane, Annandale District, Mr. Smith made the following motions: In view of the continued expansion of the school there is concern by the County administration about certain agreements which were made by Leary School in the beginning of the school on Columbia Pike. It has been stated today that the site plan was approved approximately one month ago and is in the hands of the applicant and he is in the process of securing contracts to complete these agreements as set forth in the Staff recommendation; that he will have completed these as indicated by the accepted cut-off date by November 1968 and if these are not completed at that time, Mr. Leary would be compelled to show cause why the school now in operation on Columbia Pike should not be closed until such time as he has complied with the agreements as set forth. Also, that the application before the Board be approved in conformity with the request made today and be approved for a period of two years to allow the expanding school to complete arrangements and have constructed permanent quarters either on this property or on adjacent land owned by the owners of the proposed temporary location. All other provisions of the Ordinance pertaining to this particular application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

JOHN P. D. CRIST (ATLANTIC REFINING CO.), application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, (Parcel A, James C. Cranford property), SE corner of U. S. #1 Highway and Gunston Hall Rd., Mt. Vernon District, (C-D), Map 113, S-785-68

(Deferred from February 27 for information regarding U. S. Route 1.)

Mr. Charles Taylor presented a letter dated April 22 from Mr. J. E. Harwood, and stated that he was pleased to see in the Staff Report that it may be ten years or more before any work is started or underway for the proposed Outer Beltway. As of yesterday, he said, there was no decision as to whether there would be any proposed Beltway or interchange near this location.

If this application is granted, Mr. Smith said, the applicant will have to agree to certain conditions in order to justify placing the proposed service station in an area that might well cost the County and State considerable money in damages. The Board should not deny the applicant the use of the property within the intervening time, but the taxpayers of the State should not have to pay for the damages or for interruption of business or loss of business because of a highway. This is a unique situation where the applicant has no competition on this corner. There will be no additional commercial operations, only the food store and gasoline station, and there should be no signs except on the buildings themselves, and they should both be of Colonial architecture to be in harmony as much as possible with the Colonial tradition of Gunston Hall. The taxpayers should be protected from having to pay damages on the recently constructed station.

Mr. Myron Smith, representing the Atlantic Richfield Oil Company, and Mr. Price, the representative from the Company, were present.

Mr. Myron Smith stated that he was not present the last time this matter came before the Board but had observed the minutes of the meeting. The Atlantic Oil Company would like to use this location for a three bay station and would like to have the standard sign, he said. The closest station is at Old Mount Vernon Road and Route 1 just north of Fort Belvoir and is probably the same distance from Mount Vernon as this one would be from Gunston Hall. If the sign is permitted, they plan to put it on the corner facing Route 1 rather than Gunston Hall Road, and the applicants feel that they need a three bay station to better serve the public.

A sign on the corner of Route 1 probably would not have any adverse effect, Mrs. Henderson said.

There should be no signs on Gunston Hall Road, Mr. Smith said, and no freestanding signs will be allowed for the food store.

In the application of John P. D. Crist, (Atlantic Refining Company), application

April 23, 1968

John P. D. Crist - Ctd.

under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, (Parcel A, James C. Cranford property), SE corner of U. S. #1 Highway and Gunston Hall Road, Mt. Vernon District, Mr. Smith moved that in the interests of preserving the historic significance of Gunston Hall Road and granting a use permit for a three bay Colonial type service station as indicated by the picture submitted by the applicant, that the station be designed in conformity with this, the lighting and all other aspects; that there not be a freestanding sign on Gunston Hall Road and only one freestanding sign for the service station to be in the farthest distance permitted by the Zoning Ordinance from the corner of Gunston Hall Road. In consideration of this use permit for service station, the applicant agrees that there will be no freestanding signs or other than those on the building of the proposed Fast Foods Store or any other development that might take place on the remainder of this portion of C-D zoned property, namely Parcel B, and all other provisions of the Ordinance pertaining to this application be met and adhered to. It is understood that this is for service station uses only. Seconded, Mr. Barnes. Carried unanimously.

FRANK C. PAGE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 27.1 ft. from 20 ft. outlet road, Lot 1, Reddwarren, 7728 Oak St., Providence District, (RE-1), Map 39-4 ((9)) 1, V-816-68 (Deferred from April 9, 1968)

Mr. Galt Beady presented copies of revised plats and a letter from the adjoining property owner who was not notified at the original hearing.

Mrs. Henderson asked why the design of the house could not be changed?

The lot slopes from the rear to the front of the lot, Mr. Bready explained, and the general style of split level house that he plans to build is not really adaptable to the terrain of the land.

No opposition.

In the application of Frank C. Page, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 27.1 ft. from 20 ft. outlet road, Lot 1, Reddwarren, 7728 Oak Street, Providence District, Mr. Smith moved that the application be approved in conformity with the plat submitted with the application, that the applicant be allowed to construct a home 27.1 ft. from outlet road. There is no evidence that this outlet road will ever be widened. The road only serves one lot in the rear of this property and has no other essential use as a roadway. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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in order to expedite the selling of the lots in this particular area.

Mr. Smith moved that the Board rescind the restriction placed on the application of May Properties, Inc. on April 9, 1968 on both the individual lot restriction, and the restriction as to holding the State and County harmless as far as the cost of removing the wall is concerned if there ever were a widening of the road. Apparently there is no necessity for widening, however, it is very apparent that there is a need for this 7 ft. brick wall to protect future property owners. All other provisions of the original granting still pertain. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Knowlton asked what the setback would be for pump islands in connection with a car wash.

The Board's determination was that the setback should be 50 ft.

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City of Falls Church - Request for extension of permit for water storage tank expiring June 14, 1968.

Mr. Yeatman moved to grant an extension to June 14, 1969. Seconded, Mr. Baker. Carried unanimously.

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The Board will meet June 11, 18 and 25.
The meeting adjourned at 5:30 p.m.
By Betty Haines

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

June 20, 1968 Date

095 A

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JOHN FORSTMANN, application under Section 30-6.6 of the Ordinance, to permit creation of industrial building 40 ft. from Forbes Place, Parcel 11E-2, Ravensworth Industrial Park, Annandale District, (I-L), Map 70-4 ((1)) 11E, V-798-68

Mrs. Henderson read a letter from the attorney for the applicant asking that the application be removed from the agenda as they are abandoning the project at this time.

Mr. Smith moved to allow the application to be withdrawn with prejudice. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Barnes Lawson was present to discuss the motion which was passed on the application of May Properties, Inc.

The recommendation of the staff which was cleared by the Planning Engineer's Office and came to the Board has to do with saving the State or County the cost of the fence at the time of road widening or if a service drive is put through. Since that time, Mr. Knowlton continued, other people have gotten into this and more information has come out of it. First of all, the service drive has been waived by the Board of Supervisors with a condition that there be internal streets which go crossways parallel to Route 123 completely through this property, and it is with certainty that the staff can say that there will be no requirement for a service drive here in the future. On further studying the property there are no plans at present by the State or County to widen Route 123, however, even if there were, there is ample room on the existing right of way for an additional lane, bringing the facility up to a six lane highway.

Mr. Smith said he did not see any reason why the wall should be tied down to each individual lot; the developer apparently is interested in constructing the wall in order to expedite the selling of the lots in this particular area.

Mr. Smith moved that the Board rescind the restriction placed on the application of May Properties, Inc. on April 9, 1968 on both the individual lot restriction, and the restriction as to holding the State and County harmless as far as the cost of removing the wall is concerned if there ever were a widening of the road. Apparently there is no necessity for widening, however, it is very apparent that there is a need for this 7 ft. brick wall to protect future property owners. All other provisions of the original granting still pertain. Seconded, Mr. Barnes. Carried unanimously.

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

June 20, 1968 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., on Tuesday, May 14, 1968 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.

GREENBRIAR "50" LIMITED PARTNERSHIP, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, southwest corner of Route 50 and Majestic Lane, Centreville District, (C-D), Map No. 45-1, part Par. 10, S-832-68

Mr. Hansbarger presented new plats. This is part of a thirty-five acre C-D area, he said. They do not know yet what type station this will be but the architectural design of it will be consistent with that of the shopping center. Financing has been obtained and both this and the shopping center will go along simultaneously. The deceleration lane is shown on the overall plan, he said, and the entrance has been moved farther west. There will be no direct entrance from Route 50 to the service station. This is a four lane divided highway. The station will be a three bay station.

Mr. Gingery stated that the entire center will be a contemporary design similar to the one at Route 50 and Gallows Road (Yorktown Center). This will be the only station in the center and no variances are being requested.

What type of canopy will be used over the pump islands, Mr. Smith asked?

They do not yet know what type of canopy it will be, Mr. Gingery replied. This will be a big station with a lot of land around it and it has got to be a good looking station. This is on the corner of an 80 ft. road and Route 50 and they will put in a service drive. There will be no U-Hauls and no repairs.

No opposition.

In the application of Greenbriar "50" Limited Partnership, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, southwest corner of Route 50 and Majestic Lane, Centreville District, Mr. Smith moved that the application be approved for service station uses only, in conformity with plats submitted, to be a three bay contemporary station to blend in with the proposed shopping center; that the building and all other structures on the property meet the requirements of the Ordinance, and all other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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HAROLD WOLKIND, application under Section 30-6.6 of the Ordinance, to permit existing carport 29.7 ft. from street property line and allow overhang 4 1/2 ft., Lot 358, Section 2, McLean Hamlet, 1342 Macbeth St., Dranesville District, (R-17 cluster), Map No. 29-2, V-835-68

Mr. Wolkind stated that he did not build the house. He took it over last year and in going for final draw on the construction loan, they found this condition existing. They moved the posts back so that they would only be encroaching 3/10 foot. In checking the houses which he took over, he found two cases where the side line was affected, and he believed that all the others were properly on the lots. He took over fifty houses. He has made every effort to correct this deficiency.

No opposition.

In the application of Harold Wolkind, application under Section 30-6.6 of the Ordinance, to permit existing carport 29.7 ft. from street property line and allow overhang 4 1/2 ft., Lot 358, Section 2, McLean Hamlet, 1342 Macbeth Street, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with the application and plat submitted. The applicant took over after construction was almost completed on these houses, and apparently there was an error prior to his entering into the final stages of construction. This application appears to meet paragraph 4 of the variance section of the Ordinance. The applicant has attempted to correct the need for a variance and has come within 3/10 ft. as far as the posts are concerned. All other provisions of the Ordinance applicable to this applicationbe met. Seconded, Mr. Barnes. Carried unanimously.

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GULF RESTON, INC., application under Section 30-7.2.8.1.4 and 30-7.2.7.1.4 of the Ordinance, to permit operation of 18 hole golf course, club house, on east side of Route 602, approximately 950 ft. south of Dulles Airport Access Road, Centreville District, (RE-2 & RPC), Map No. 17-3 ((1)) Par. 7 and Map 26-2 ((1)) Par. 1, 2, 3 and 5, S-834-68

Mr. Richard Hobson represented the applicant.

May 14, 1968

GULF RESTON, INC. - Ctd.

The land is zoned RE-2, Mr. Hobson said, except for one small portion which is zoned RPC. They wish to proceed with construction and development of a golf course while preparing a RPC development for the whole area. At the time the RPC application comes in, this property will be included and shown as a golf course. It is permitted now under special use permit from this Board.

Mr. Hobson showed a colored layout of the golf course, designed by Edward Ault, Architect. The facility will have a pro shop, snack bar and driving range. The pro shop will be approximately 750 ft. back from Route 602 and parking will be more than 350 ft. back, he said.

Will this be open to anyone who can pay, Mr. Yeatman asked?

That is correct; membership is not required, Mr. Hobson replied.

Is there a snack bar at the existing golf course, Mr. Smith asked?

Yes, they have a restaurant, Mr. Hobson said. It has proved to be an asset to the community of Reston.

Mrs. Henderson read the Planning Commission recommendation: "The Planning Commission, at its meeting of May 13, 1968, reviewed the subject application. In the course of consideration, the Commission discussed the impact of the golf course location on vehicular circulation in the immediate vicinity.

So as to preserve the effective capability of the proposed Dulles Access Road - Reston Avenue (Rt. 602) interchange, in addition to effective access to the planned uses in the immediate vicinity, the Commission considered the desirability of a southerly relocation of the golf course access road - Reston Avenue (Rt. 602) intersection. Such a relocation was considered to be approximately 2500 ft. south of the center line of the Dulles Access Road to a point where it would form a common intersection with the entrance to the proposed United States Geological Survey headquarters.

Henceforth, the Planning Commission recommended to the Board of Zoning Appeals that the subject application be approved in accordance with the golf course plan exhibit which reflects the aforementioned location of the entrance to the golf course."

The original Master Plan indicates a road running south of the Dulles Access Road, Mr. Cummings said, and the Staff recommended that the interchange be relocated.

Mr. Smith asked that the applicant submit a copy of the plat for the record showing all locations of buildings and distances from property lines.

The plat shows parking for 110 cars, Mr. Hobson said. They have room for more parking if it is necessary.

No opposition.

In the application of Gulf Reston, Inc., application under Section 30-7.2.8.1.4 and 30-7.2.7.1.4 of the Ordinance, to permit operation of 18 hole golf course and golf driving range, club house, on east side of Route 602, approximately 950 ft. south of Dulles Airport Access Road, Centreville District, Mr. Smith moved that the application be approved with an entrance no less than 2500 ft. south of the center line of the Dulles Airport Access Road to a point where it would form a common intersection with the entrance to the proposed United States Geological Survey headquarters, in accordance with the recommendation of the Planning Commission; that the applicant provide prior to the beginning of play in the golf course complex parking for minimum of 125 automobiles and if this is not sufficient in the future that they enlarge the parking lot to meet maximum requirements at any one time. All other provisions of the Ordinance pertaining to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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EARL McGEE, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot and permit trailer 5 ft. from Old Wilson Blvd., Providence District, (C-G), Map No. 51-3 ((1)) par. 36, S-836-68

Mr. McGee stated that he had operated the used car lot for eight months and had not known that he needed a permit. He has had the land since 1961 and has operated various businesses in conjunction with the station which he operated for eleven years. He lost the station lease and when he applied for another license, he ran into the use permit problem. When he purchased the property the previous owner had contracts before the Board to put buildings on the lot and he felt that this would be of use as parking for the station so all setbacks were waived from Old Wilson Boulevard and part of the setbacks from new Wilson Boulevard. He has always sold some cars during the eleven years, and sold plants and vegetables as seasonal things.

Mr. Smith considered the operation as a non-conforming use since the applicant has had it since 1957.

He has had this particular operation for only eight months, Mrs. Henderson said.

Earl McGee - Ctd.

Mr. McGee stated that ninty-five per cent of his business is wholesale business, very little of it is retail. That is why he does not provide much parking for his customers, he said. He receives overflow cars from Koons Ford, then sells them to local and out of town dealers.

Mrs. Henderson noted that the Health Department report states that Mr. McGee must hook the trailer to sanitary facilities if it is to be used as office facilities.

Mr. McGee said he planned to connect if he gets a use permit.

Mr. Smith felt that the entire parcel should have been used for the same purpose and that is why he was opposed to granting Dr. Nagin's application. By denying that permit the Board could have accomplished something by having one person acquire the entire property. This man has a non-conforming business, he said, and has been here for a long time, therefore the Board has to make some concessions and allow him to stay in business. No one has informed him of a violation during this time. He did not wish to set this up on a permanent basis, Mr. Smith continued, and have this go through site plan if there is some question of the Highway Department needing additional space, and Dr. Nagin will probably need more space. Maybe the solution would be to give a three year permit rather than making this permanent.

Mr. McGee said he would have an average of 35 cars on the property.

No opposition.

Upon request by Mr. McGee, the Staff could take this to the Board of Supervisors for waiver of site plan, Mr. Knowlton said. Dr. Nagin's site plan went through the process and found that no widening was required and his site plan was waived.

In the application of Earl McGee, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot and permit trailer 5 ft. from Old Wilson Boulevard, Providence District, Mr. Smith moved that the applicant be allowed to put the trailer on the property line if this is practical and if there are no hazards attached; that he be allowed to operate in the manner in which he has operated in the past provided that he meets Health Department requirements of hooking onto water and sewer and that there be no sale of vegetables, fruits, wood, etc. which has transpired in the past; that he be limited to buying and selling of automobiles but not including major repair of autos. The intent of the motion is to waive two sections of the Ordinance which would prohibit this and this is granted for a period of three years -- not necessarily limited to a period of three years, but that a three year permit be issued with the understanding that if the situation has not changed or the applicant has not in any way become a nuisance, it could automatically be renewed by the Zoning Administrator for an additional three years. It would be the recommendation of this Board also that in view of what has happened on the adjacent lot (Nagin), that the Board recommend to the Board of Supervisors that they also waive site plan in connection with this operation as it has been here for many years. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT W. BENTON, application under Section 30-6.6 of the Ordinance, to permit erection of porch and carport closer to front property line than allowed by Ordinance, Lot 313, Section 11, Kings Park, 5303 Kings Park Drive, Springfield District, (R-12.5) Map No. 70-3, ((5)) 313, V-837-68

Mr. Mackall presented signatures in favor of the application. This is a Cape Cod house, he said, and is the only one without a carport or garage. He would move the driveway location to the other side of the house.

How long has the applicant owned the house, Mr. Smith asked?

He bought the property in 1962, Mr. Benton said; the house was sold once before but the purchaser could not get financing and he is the only one who has lived in the house. The way that the house sets on the lot makes it difficult to get protection from the sun in the front window. He would like to bring the roof line out and screen the porch to make a nice place to sit.

No opposition.

In the application of Robert W. Benton, application under Section 30-6.6 of the Ordinance, to permit erection of porch and carport closer to front property line than allowed by Ordinance, Lot 313, Section 11, Kings Park, 5303 Kings Park Drive, Springfield District, Mr. Smith moved that the application be approved in conformity with plats submitted, and that all other provisions of the Ordinance applicable to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed canopies for service stations. Mr. Yeatman moved that all applications for canopies in C-N and C-D districts come in with a formal application for approval by this Board. Seconded, Mr. Smith. Carried unanimously.

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The Board also discussed a letter from Mr. Darrell Winslow of the Regional Park Authority requesting that all permits issued to Fountainhead, Inc. be transferred to the Park Authority now that they have purchased the land.

Mr. Yeatman moved that the Secretary be instructed to notify Mr. Winslow to appear before the Board to explain what they propose to do with this transferred use permit. Seconded, Mr. Baker, and carried unanimously.

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DARRELL CLOKEY, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 9.8 ft. from side property line, Lot 22, Block C, Section 4, Mosby Woods, 10302 Ranger Road, Providence District, (R-12.5), Map No. 47-4 ((7)) C, 22, V-838-68

Mrs. Clokey stated that they wish to have a place to keep their camper and bicycles.

Mr. Smith suggested extending the garage to the back to make room for the camper, as he did not feel that the Board could justify a 16 ft. garage.

Mr. Yeatman suggested putting a small metal building in the back yard for the bikes and garden tools.

Mrs. Clokey did not want to do that, she would rather have a permanent thing, she said.

The fact that the applicant is going to have to maintain a stoop in there has some effect on his feelings, Mr. Smith said, but he could not vote for a 16 ft. garage. He felt that a 14 ft. would be adequate.

A 13.8'carport would meet the setbacks, Mrs. Henderson said.

Mr. Smith said that he was giving the applicant the benefit of four inches -- this makes quite a difference in opening car doors. If the stoop were not there, he would not consider any kind of variance.

The rear yard is heavily wooded and they would probably have to take down trees to build back there, Mrs. Clokey said.

No opposition.

Mr. Smith said he did not see how the Board could justify anything larger than a 14 ft. garage. The applicant can get the additional space he needs in the rear. There is some question as to whether this is justified because the applicant has not complied with all requirements of the variance section of the ordinance, basically, topography problems. However, he felt that since the applicant is so close to having the desired space, to allow him to construct a 14 ft. building would not be detrimental to the surrounding neighborhood. In the application of Darrell Clokey, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to side property line, Lot 22, Block C, Section 4, Mosby Woods, 10302 Ranger Road, Providence District, Mr. Smith moved that the application be granted in part to allow the applicant to construct a garage 11.8 ft. from the side property line instead of 9.8 ft. as requested. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt it should conform.

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MARTIN R. & RACHEL P. RODGERS, application under Section 30-6.6 of the Ordinance, to permit lot with less area than allowed by the Ordinance, proposed Lot 4, Rodgers' Addition to Mary Lea Park, on Lea Lane, Mt. Vernon District, (RE 0.5), Map No. 110-1 ((1)) Par. 24, V-839-68

Mr. Barry Murphy represented the applicants. Mr. Jack Avery is the proposed developer of the property, he said. In October 1962 this identical application was approved by the Board as it appears on the plat, to allow four lots to be constructed. One is not in conformity with the Ordinance as to size. That application was granted for a period of one year. During that time Mr. Rodgers did not develop the property because there was a considerable storm sewer problem on Lea Lane in front of Lots 1 and 2. The County was not willing to fix it or provide storm sewer and very few builders would put money into it. Mr. Avery obtained easements from adjoining neighbors for construction and installation of storm sewer facilities on their property to alleviate the puddling condition on Lea Lane. In regard to this property he has also submitted site plan for development of this property and preliminary plans have been approved subject to obtaining a variance from the Board on one lot. Lots 12 and 13 contain 21,780 sq. ft. and Lot 4 is the lot in question. That contains 21,322 sq. ft. and is less than required by the Ordinance. There is dedication for public street purposes and that is identified as Clem Drive.

No opposition.

In the application of Martin R. and Rachel P. Rodgers, application under Section 30-6.6 of the Ordinance, to permit lot with less area than allowed by the Ordinance, proposed Lot 4, Rodgers' Addition to Mary Lea Park, on Lea Lane, Mt. Vernon District, Mr. Smith moved that the application be approved in conformity with plats submitted and in conformity with variance granted September 25, 1962 which was identical to the proposal before the Board at the present time. The applicant has stated that the reason

he did not proceed was not due to lack of interest, but due to storm sewer drainage problems in connection with the proposed development. He is now ready to complete the proposed subdivision and proceed with the development. All other provisions of the Ordinance pertaining to this particular application are to be met. Seconded, Mr. Barnes. Carried unanimously.

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COMMERCIAL SALES, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of U-Haul rental lot, Lot 2, Freedom Hill Farms Subdivision, 1822 Howard Avenue, Providence District, (C-G and RE-1), S-841-68, Map 29-3 ((4)) 2

Mr. Gene Baker presented his notices but had not notified Mr. Bowman, the only adjacent property owner. Also, the Board noted that part of the land is zoned Residential and the Board could not grant trailers on this portion. Mr. Baker should also have his address changed since there is no access from Howard Avenue.

Mr. Baker said that he had had his business on the property since 1963; it is owned by Hayes and he is leasing from Hayes. He operates a wholesale building materials business -- from factory to job site.

This is apparently a non-conforming situation, Mr. Smith said, which has been there since the 1940's. Mr. Baker can continue to use it for his business as it is now in the non-conforming status but he cannot bring in a new business without complying with the Ordinance.

Mr. Knowlton commented that the entire area is shown on the Master Plan for commercial uses.

The two owners (Bowman and Hayes) should request the Planning Commission to rezone the property to a commercial category to bring this into conformity with the Master Plan, Mr. Smith said.

Mr. Smith moved to defer the application until such time as the applicant has investigated the possibility of having the zoning classification changed on the rear portion of the property or to delete that portion of the property from the application before the Board, and to notify Mr. Bowman and the other five people previously notified. Seconded, Mr. Barnes. Carried unanimously.

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ALICE M. GROGAN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, 2 to 5 1/2 years old, five days a week; hours of operation 7 a.m. to 6 p.m., 50 children, Lot 6, Section 7, Hillwood, 6409 Arlington Blvd., Mason District, (R-12.5), Map No. 51-3 ((5)) 6, S-840-68

Miss Grogan asked the Board to postpone the application until her lease problems are settled. Mr. Woods has taken care of all the notices, she said, and she did not have a copy of them. She is living on the top floor now, she said, and Mr. Woods would not give her the letters of notification until the lease has been settled.

Mr. Smith moved that the Board proceed with the hearing.

She has planned for years to have a nursery school, Miss Grogan stated, and she found this building and looked into the possibility of having such a school. They would comply with all County laws and would have one adult for every ten children. There are certain physical changes they must make to the building before it can be used for this purpose and they are in the process of complying with all of the requirements of the Inspections Department, many of them have been finished. This is the first time she has been in business, Miss Grogan explained; she has always worked in a rather close situation and never has had dealings in business and perhaps was not very wise. This would be a two or three year lease. The verbal agreement was that it would be a three year lease but she had not known until this week that Mr. Woods is not the owner. She never has had a nursery school. The lease is in a lawyer's hands -- she has not signed it yet. Mr. Woods did not have the lease ready when she gave him a check for three months rent. There was a delay in getting this and having him prepare the lease. Her sending it to the lawyer was delayed and then the letter was lost in the mail for a week.

Does Mr. Woods have the right to sublease to you? Does your lawyer advise you that he does, Mr. Smith asked?

The lawyer only found out this week that Mr. Woods is not the owner, Miss Grogan replied. She did not ask if he were the owner because it never occurred to her that he was not. When she brought the application to Mr. Woods, he signed in the place for the owner's signature.

Did you issue the check for the fee, Mr. Smith asked?

Miss Grogan answered that she did, and Mr. Smith moved that the Board hear the application since the applicant was the one who issued the check and authorized the application to be made.

May 14, 1968

ALICE M. GROGAN - Ctd.

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They have already put a fire escape from the second floor, Miss Grogan said. The second floor will be used only for napping and the children would be given a hot meal during the day. The building was vandalized about three months ago, and there was a fire in it. There was a lot of smoke damage.

This is very close to Arlington Boulevard, Mr. Smith said.

There is a service lane, Miss Grogan said, and a little lane serving the building. This seems to be an ideal location for a nursery school. She has worked in a nursery school as a young girl and in nursing has worked with children a lot.

Is the yard presently fenced, Mr. Smith asked?

She had understood that it was intact, Miss Grogan said, but she had found a place that needs mending. It is a woven wire fence. Mr. Jones from the Health Department inspected the property and he said that it looked adequate. They would have part time help, everyone would not be on eight hour shifts. They must have one adult for each ten children at all times.

Would there be any academic instruction for the 5 1/2 year olds, Mrs. Henderson asked?

There would be certified kindergarten instruction, Miss Grogan said.

Mr. Yeatman felt that there would be some danger in case of a fire; the children would not be able to get down the steps with a fire escape from the second floor.

There would be landings on the stairs, Miss Grogan said. They are eliminating the garage door completely and the children could run out very quickly.

That house was built thirty years ago as a residence, Mr. Yeatman said, not as a school. The report indicates that you could not use the second floor, he said.

There is an asterisk in front of that, Miss Grogan pointed out. Mr. Burch was going back and ask his supervisor about the type of building and it was approved for use after that, after certain changes were made. The school would not furnish transportation; children would be dropped off by their parents.

Have you received any applications from the area residents, Mr. Smith asked?

Miss Grogan said that she had not but had spoken to a lot of the people, and has called almost every school in the area to talk about fees and what they offer. Apparently they are always filled and there is always room for another good school.

Would you take Welfare children on a 24 hour basis, Mr. Smith asked?

Miss Grogan replied that they would not be staffed for that and she did not believe their license would allow that. Foster homes for children are very badly needed and she would like to have day care for infants as she thought there was a desperate need for it. She would like to branch out into this later on.

Would this be confined to children from the immediate area, Mrs. Henderson asked?

This operation would be bi-racial, no prejudice toward race, religion or background, Miss Grogan said.

Opposition: Mr. Russell Sherman represented citizens of Sleepy Hollow and presented petitions with two hundred signatures representing approximately one hundred families. He stated that he was sure that the people he represented lauded Miss Grogan's attempts to create a nursery but this is not the area. Sleepy Hollow is not a neighborhood that would require a nursery. This is a substantial neighborhood, he said, and since he knows the house in question, he can state with certainty that it is not a house for a nursery. This would amount to bringing in fifty children to a single family residence in a structure built to house a single family. To have this many children playing outside in a neighborhood where children this age are not really common would not be a good thing. He did not feel that the citizens' objections were unreasonable; they do not know that there is going to be an adult for each ten children; they do not know what kind of control is going to be over these children. The house fronts on an access road carrying a great deal of traffic in the early mornings. They do not know that the children will not get out on this road. The home is on a septic system and is going to be required to serve fifty children eleven hours a day. It is also on a well system, not on County water. This is not the place for this many children. Most of the residents in this area have raised their children. There are other places that would welcome a nursery school. The fence spoken of by Miss Grogan is basically a chicken wire fence. Children could wander all over the neighborhood. The house is adjacent to two heavily traveled ways. The citizens are opposed to a commercial venture in a residential zone. He asked that the Board deny the application, first of all for the benefit of the children, and secondly, because it does substantially interfere with a totally residential neighborhood.

Mr. Smith asked Mr. Sherman if he knew of any one in the immediate community who has contacted Miss Grogan in reference to sending their youngsters to this school.

May 14, 1968

ALICE M. GROGAN - Ctd.

Mr. Sherman replied that he would not say that no one had contacted her, but he did not know of any one. His law partner, Mr. Shadyac, lives in this community and he knows of no one.

Mrs. Patrick Mahoney spoke in opposition because of the heavy traffic in the area which would be too much of a hazard to the children.

There were six people present in opposition.

Mrs. Tart, living on Aspen Lane, stated that she was highly opposed to the application. There is no demand in the neighborhood for the school. The service road is a one way road and getting in and out of the school would create additional problems for the school. This would be a very suitable house for someone to live in as temporary residents.

Miss Grogan stated that she had not planned to do anything that would detract from the neighborhood and she did not know of any more worthwhile investment than children's lives.

Mrs. Henderson stated that she, personally, had operated on the theory that use permits are a privilege being granted, and if this is something that is not wanted in the neighborhood, it is wrong for this Board to grant a privilege which is not to serve the immediate neighborhood. If everyone welcomed it and it was a service to the neighborhood, it would be different. This is not needed in this location and in this case it would be an imposition on the residents already in the area. She felt that part of the unsafe aspect of the service road was that it will probably soon be opened up all the way to Annandale Road and then it will be a cutoff for people using the service road, with much more traffic than it has now. She felt that probably the greatest advantage in this case was Miss Grogan, herself. She was sure that she would run an excellent nursery school and hoped that she could find the right location and come before this Board again.

Mr. Smith stated that there is a need in certain areas of the county for this type of thing and felt that Miss Grogan was one of the very finest people he has ever listened to before this Board but she picked a very poor spot based on needs and traffic, therefore the Board would be doing an injustice to both the future occupants and the citizens of the area to allow this to become a reality.

In the application of Alice M. Grogan, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, 2 to 5 1/2 years old, five days a week; hours of operation 7 a.m. to 6 p.m., 50 children, Lot 6, Section 7, Hillwood, 6409 Arlington Boulevard, Mason District, Mr. Smith moved that the application be denied for the following reasons: opposition from adjacent or closely associated property owners indicates that there is no need for a nursery school in the area, and the applicant has presented no proof that there is a need for the school or that anyone in the area has requested it; also, because of the traffic pattern -- the high density of traffic, one way service road serving this and the commercial area, and the school would make it necessary to come in and out of this road with fifty automobiles possibly two times a day within a one hour period and would be hazardous. Seconded, Mr. Yeatman. Carried unanimously.

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TEXACO, INC., application under Section 30-7.3.10.3.1 and 30-6.6 of the Ordinance, to allow erection and operation of service station, permit building closer to front and rear property lines than allowed, and permit canopy closer to street property line, Lots 18, 19, 20 and 21, Blk. 40, New Alexandria, 1201 Belle Haven Road, Mt. Vernon District, (C-D), Map No. 83-4 ((2)) 18-21, S-843-68

In February 1962 Texaco entered into a new lease with Mr. Cooper, owner of the property, to lease two adjacent lots and add it to the two lots on which the station is now located, in order to expand the existing operation, Mr. Aylor stated. This property was formerly zoned R-12.5 and was a non-conforming use; it was rezoned to C-D to allow the old station to be torn down and a new station to be built. This new station will be of Colonial design with a brick wall proposed to ~~eliminate~~ provide screening as approved by the Board of Supervisors to protect the bay area from view.

Mr. Smith felt that the design of the building should be changed or the size of it cut down.

Mrs. Henderson suggested pushing the pump island on Tenth Street back 1 1/2 ft. to eliminate one variance.

Mr. Pete Long stated that he had started working on this with the Planning and Zoning Offices in July 1967 and he felt that this was the best layout and would make the best utilization of the area.

It is a requirement of Texaco that pump islands be no closer than 20 ft. from a door to keep out fumes, Mr. Lucas of Texaco explained; if they move it back 1 1/2 ft. it would still meet their requirements.

Mrs. Henderson suggested placing the building on the property line and picking up 3 additional feet.

Mr. Smith objecting to granting a variance on the pump islands or canopy.

Mr. Hawke from Texaco stated that they were trying to improve the situation. The existing station was built over twenty years ago and the community has very little service station services in this area. They need the three bay station to better service the needs of the area.

Mr. Aylor presented a design for a Williamsburg type sign 4 1/2' by 7'; under the existing Ordinance, he said, a larger sign would be permitted. This would be a single pole sign. This is an illuminated design on painted white wood. He introduced letters in favor of the application.

No opposition.

The Board cannot grant variances for pump islands if they request it simply because they want to angle it to make it quicker to get in and out, Mr. Smith said, and he would not vote for a variance on the pump islands. The 25 ft. that is a part of the Ordinance is a good setup and they should be able to meet this requirement.

In the application of Texaco, Inc., application under Section 30-7.3.10.3.1 and 30-6.6 of the Ordinance, to allow erection and operation of service station, permit building closer to front and rear property lines than allowed, and permit canopy closer to street property line, Lots 18, 19, 20 and 21, Block 40, New Alexandria, 1201 Belle Haven Road, Mt. Vernon District, Mr. Smith moved that the Board approve the part of the application relating to the building; that the canopy be permitted to extend within 13 1/2 ft. of the front property line as indicated by the plat; that the proposed pump islands be moved back to comply, and some flexibility should be allowed on the building so that it could be pushed as far back to the rear property line as practical and still be within the bounds of good construction; that there be no variance granted on the pump islands -- the variance granted would pertain only to the building and canopy. All other provisions of the Ordinance pertaining to this application shall be met. The sign shall be of the design and dimensions shown on the drawing and only one freestanding sign on the property. Construction shall be in compliance with the submitted rendering. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD J. TRAINOR, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 15 ft. from both side property lines, Lot 3, Bedford Acres, 7328 Old Dominion Drive, Dranesville District, (RE 0.5), Map No. 21-3 & 30-1, V-842-68

Mr. Trainor said that he had been a homeowner in McLean since 1962. He purchased this property about eighteen months ago with the understanding that it would pass percolation tests. Now he finds that there is a problem in building a house adequate to serve his family's needs. The area which passed the percolation tests is behind the area where the house would be built. In order to build a house with four bedrooms on the floor level with a gravity fed septic field it requires that the house be wider than ~~it is~~ originally planned.

Mrs. Henderson suggested putting on a second story.

Mr. Trainor said that he was trying to avoid the sewage ejector pump which would be necessary in that case. This property was subdivided about 1 1/2 years ago by Mr. Ted Namey. Sewer is not very far from this location but they cannot connect.

No opposition.

In the application of Richard J. Trainor, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 15 ft. from both side property lines, Lot 3, Bedford Acres, 7328 Old Dominion Drive, Dranesville District, Mr. Smith moved that the application be granted. This is an area of septic tanks and due to the topographic situation the house must be placed far back on the lot in a way to get the desired development. This is the minimum variance to serve the needs of the applicant. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

M. JANE LIGHTNER, application under Section 30-7.2.8.1.1 of the Ordinance, to permit construction and operation of dog kennel, south side of Lewinsville Road, north of Airport Access Road, Dranesville District, Map 29-1 ((1)) 12 & 13, (RE-1), S-765-68 (deferred from March 26)

In view of the letter requesting withdrawal from the applicant's attorney, Mr. Smith moved that the Board allow the application to be withdrawn, with prejudice. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASE:

KENWOOD SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten thru sixth grade, 45 to 50 children, hours 9 a.m. to 3 p.m., 8316 Ft. Hunt Road, Mt. Vernon District, (R-12.5), Map 102-4 ((1)) 22, S-858-68

Mr. Thorpe Richards and Mrs. Frazer were present.

Mr. Richards explained the reason for the application as being due to the fact that the Wesley Methodist Church where the school is present located has need for the facilities there and Mrs. Frazer must relocate her school. One of the reasons she chose this area was because there were a lot of parents of Kenwood School children in this area and they requested this to make it convenient for them in dropping off their children. There would be only three classes here if the request is granted, with three teachers in attendance at all times. This would be for normal school hours of 9 a.m. to 3 p.m. during normal school days, five days a week, normal school year. Parents would drop the children off at 9 a.m. and pick them up a 3 p.m.; there would be no school buses. The existing building which is 118 ft. from Fort Hunt Road would be used for the school. The only change in the property as proposed by Mrs. Frazer would be for the proposed parking as shown on the plat; there would be five parking spaces. There would be no blacktopping of the rear yard. The only installation to go there would be play equipment. They feel that the operation as proposed by Mrs. Frazer would not have a detrimental effect on the adjacent subdivision.

Would you clarify one point -- kindergarten through sixth grade, Mrs. Henderson asked?

There would only be three classes, Mr. Richards explained, because under Mrs. Frazer's system she teaches several classes together -- for example, one teacher would teach the fourth, fifth and sixth grades. He presented letters from the parents in favor of the school.

How many schools does Mrs. Frazer operate at the present time, Mr. Smith asked?

She operates the Grasshopper Green School at Annandale, and the Kenwood School now in the Wesley Methodist Church, Mr. Richards stated. She was unable to develop one site for which the Board granted a permit due to site plan difficulties.

Will the applicant reside in the house, Mr. Smith asked?

No, the house will only be used for the school building between the hours of 9 a.m. to 3 p.m., five days a week, for a normal school year, Mr. Richards replied. The owner of Lot 21 adjacent to this is in favor of the application and four parents are present in favor of it.

Opposition: Mr. P. W. Spaulding Marsh, 8317 Fort Hunt Road, across the street from the proposed school, said he felt that the school was a wonderful thing but he had one objection based on safety of the children. The road is not improved in front of this property and having a school in this location would increase the traffic hazards.

Mr. Louis M. Reed, father-in-law of Mr. Skoug, owner of 8320 Fort Hunt Road, stated that he felt that if the application were granted it would result in a serious devaluation of the property. There is a tenant on the property at this time since the Skougs are out of the country, and this might make the property less livable to have a school next to it.

Mr. Leonard Roberts, rental agent for the property owned by the Skougs, stated that he did not know how the school would affect the tenancy of the property; there was some question in his mind that the tenant now in the property might have a right to invalidate the lease and vacate the property and this could possibly mean that the Skougs might suffer a financial loss at this time. Personally, he did not feel that a school adjoining residential property would benefit property values.

Edward H. Brown, owner of Lot 5 abutting the rear of the property, stated that at first he indicated no objection, depending on how the neighbors felt. After various discussions with the neighbors, he has come to the conclusion that this would not help the value of the property.

Colonel Zane Dorr, 1405 Cool Spring Drive objected also to devaluation of the property in the area by the school.

Six people were present in opposition.

Mr. Richards stated that noise from this operation would be minimal -- the children are only allowed two fifteen minute periods of recess. Another point is that when they say forty-five children, this does not mean forty-five cars -- the children would come in car pools. The nearest part of the building would be to Mrs. Davies on the side and she is in favor of the use.

How many cars would transport fifty children, Mrs. Henderson asked?

Approximately ten, Mrs. Frazer replied.

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Mr. Smith stated that he would like to look at the property and the area before voting on the application, and have Mrs. Frazer furnish the Board with the number of children from Collingwood and Waynewood registered in this particular school -- names and addresses of people the school serves within two blocks of this location. He moved that the application be deferred for decision only, for additional information, and to view the property -- deferred to May 28. Seconded, Mr. Barnes. Carried unanimously.

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JACQUELYNE SLEEPER NOVAK - (Riding stable, east side of Hunter Mill Road at Washington & Old Dominion Railroad right of way, Centreville District)

Mrs. Henderson stated that she had received a call from the County Recreation Department desiring to use the stable this summer as part of their recreational program. They wish to publish their brochure and asked what the status of Mrs. Novak's permit was since it was granted only to July 1 of this year. In looking over her notes, she said she had told him that Mrs. Novak had thirty days in which to come in for an extension, and she asked that an inspector investigate this morning to see if the terms of the permit have been complied with.

Mrs. Novak told the Board that an inspector checked this morning. Also, she has talked with Mr. Thomas, the owner of the property, and he has agreed to grant an option to buy the property, with a lease extending to October 1969.

Mrs. Henderson read from the Inspector's report, quoted as follows:

> "Undergrowth has been cleared on both sides of the entrance. Fence is adequate to contain animals. Deceleration lane is pending completion of the water main in front of property. Mr. Thomas (land owner) advises that he has granted permission for the deceleration lane. Mrs. Novak advised that all permits have been approved for the deceleration lane and work will begin as soon as the water main is completed."

Mrs. Novak stated that she had a permit from the Highway Department, issued February 20. Attached to the permit is a survey, she said, which was done immediately upon completion of the hearing. This went before the Highway Department, from there to Sanitation, and then it came back to them. At that time they had to purchase a bond. They sent it to the Highway Department and it was returned to them in February. At that time there was snow on the ground and it was impossible to put in the deceleration lane. She did inquire with a construction company for an estimate to submit to the Board; then a gentleman from the Water Department advised them not to construct until the water mains were put through in front of the property. At the present time bulldozers are still there. When the Board issued the permit they gave her 180 days to do the work, she said.

Mrs. Henderson said she would like to see the permit extended to October 10 which should be a year from the original granting. The deceleration lane should be finished by that time.

Mr. Smith requested that Mrs. Novak submit a copy of her insurance policy for the record.

There should also be a copy of the new lease and a formal request that this be extended to October along with the copy of the insurance policy, Mrs. Henderson said.

Waiver of the site plan was conditioned upon the deceleration lane being built, Mr. Knowlton commented.

The deceleration lane has to be built at the earliest possible moment, Mrs. Henderson said; there should be no let up in the pursuit of getting this built because this is extended to October. As soon as the water lines are in she should comply immediately.

Mr. Smith moved that the Board get a formal application from Mrs. Novak asking for the extension and a copy of the lease.

Mr. Baker added that the Board grant the permit extension to October 10, 1968 providing that Mrs. Novak comes in with the written request, copy of insurance policy and copy of lease; it should be in the hands of the Zoning Office this week. Seconded, Mr. Yeatman. Carried 4-0, Mr. Smith abstaining.

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ELDON J. MERRITT (Talent House) - Mr. Smith moved that the Board grant the request of Eldon J. Merritt contained in the letter dated May 2, 1968, to extend the existing use permit for the use of four classrooms in the Calvary Hill Baptist Church located at the corner of Route 236 and Olley Lane, for a period of three years from July 25, 1968. All other provisions of the original permit still pertain. Also, in the application of Eldon J. Merritt, south side of Arlington Boulevard, adjacent to Hunters Branch, Mr. Smith moved that the applicant be allowed to have a variance from the original permit, for a period of four years to permit the renovation of the existing structure for operation of a private school without site plan approval and without additional road widening and service drive construction, for 125 students; that the westerly 400 ft. of the service

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ELDON J. MERRITT (Talent House) - Ctd.

road be constructed at this time but that site plan be waived for a period of four years after which time site plan shall be required including the remaining service drive and road widening as stipulated in the original permit. All other provisions of the original granting of this application remain as stated. Seconded, Mr. Barnes. Carried unanimously.

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SOMERSET-OLDE CREEK RECREATION CLUB, INC. - The Board considered the letter of May 6, 1968 from Mr. Robert P. Will regarding removal of the fence requirement contained in the motion granting the use permit. The Board's consensus was that the moratorium on the installation of the fence was for one year only, and in order to avoid any problems in the future, the applicants should now comply and construct the fence.

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JAMES R. AND SHIRLEY W. BOYETT - The Board discussed the Boyetts' desire to build a house on part of the property contained in the use permit for the school.

Mrs. Henderson said she could see no reason why they could not go ahead and cut off a piece of the land for the house. They are going to live in the house and use the ground floor as part of the school but there will be no increase in the size of the school. They want to get the lot recorded; it is basically a paper transaction in order to get a loan to build the house. It is still under the same ownership and the permit includes the whole thing.

No formal action was taken. (The Boyett application will be heard by the Board on June 18, 1968.)

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The meeting adjourned at 6:00 P.M.
By Betty Haines

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

June 20, 1968 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 28, 1968 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.

NATIONAL MEMORIAL PARK, INC., application under Section 30-7.2.3.1.1 of the Ordinance, to expand existing facilities for operation of cemetery, located on Hollywood Road, Providence District, (R-12.5), Map No. 49-2 ((1)) 12 & 50-1 ((1)) 11 & 11A, S-833-68

Mr. Charles Radigan represented the applicant. The applicant has made application for use permit on two parcels of land for cemetery use for above and below ground interment, subject to site plan approval by the County for expansion of the present cemetery facilities, Mr. Radigan stated. The parcels are subjected to the R-12.5 setback requirements. On the Smith tract there is a required setback of 50 ft. from Hollywood Road and a back yard setback of 25 ft. along Westwood Park Subdivision. There is also a 12 ft. lateral setback along the side of the Smith tract next to the Rollins property. The large tract, the Smith tract, contains 9.9 acres, and the Lewis tract contains 2.9 acres. The dwelling on the Smith tract will eventually be removed. It is rented at the present time to an individual and at the time of development, the house will be removed.

What about the State Code requirement of 250 yards from any occupied dwelling, Mrs. Henderson asked? The owner of the residence, she believed, could waive that requirement.

Mr. Radigan said that he had not known of this requirement but if the permit were granted today they would comply with State regulations or attempt to get a waiver from adjacent property owners.

The waiver should come first, Mr. Smith said, because in granting a use permit the Board would require new plats.

Are there going to be drainage problems, Mrs. Henderson asked? She recalled that on the property adjoining the Smith tract the cemetery objected to drainage problems which would occur if a school were located there.

The topography is different, Mr. Radigan replied. The park has extensive plans for off-site drainage. Plans are in the mill now to tie in with the drainage facilities at the Hollywood Apartments.

Mr. Knowlton reported that he had checked in the Law Library and found that Section 57-26 of the Code does require that this use be 250 yards from any residence although the owner of the residence may waive that requirement.

In light of this, Mr. Radigan asked for continuation until they can determine whether or not they can obtain waivers.

Mr. Barone, Ex-Vice President of the Park, assured the Board that they have no plans for any mausoleum or above ground crypts. This does not mean that they do not plan to do something like this in the future, but they have no plans right now. They will bring these two areas up to the level of the rest of the park development. They intend probably before they do anything within the tracts to see to it that screening will be put along the Smith and Gaskins boundaries. They use Norway Spruce along Lee Highway.

Mr. Harney, owner of Lot 11OA, stated that he had lived on this lot for five years. When he moved there the developer informed him that this property was owned or under contract of the cemetery and from that standpoint, naturally he could not have much objection to this use. Their experience from living close to the King David property, is that the property is beautifully and well maintained and has the kind of outlook which would be satisfactory to most people. He did not wish to comment on building structures, but with a notion that the Smith tract would be in consonance with the King David development, he would not object.

No opposition.

Mr. Smith moved that the application be deferred to June 25 and if the applicant cannot be ready by that time, he should notify the Zoning Administrator eleven days before that time so it will not be put on the agenda. Seconded, Mr. Barnes. Carried unanimously.

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SANDRA WARD, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding school, 6718 Clifton Road, Centreville District, (RE-1), Map No. 75 ((1)) 15, S-843-68

Mrs. Ward stated that she wished to have a private riding school and planned to keep it small -- four children per class for the summer, twice a day, which would be forty students a week during the summer months. There would be no teaching on Saturdays and Sundays.

SANDRA WARD - Ctd.

There would be no trail riding except if she takes the class out for trail riding as a special treat for the children, Mrs. Ward continued. At the moment she has five school horses. They have built a small ring and plan to have a large ring at the top of the pasture. Parking is on their property; they can put four cars along the side, one in the gravel driveway and three farther up in the driveway. There are almost eight acres involved. They are buying two acres now and have an option on the other property which they hope to purchase later on. The Grilles are living on the property now. They go to settlement on June 7. The owners of the property have allowed them to build stalls there and put their horses there and get ready to start operation by June 15. The barn on the property is an old barn in which they have built eight standing stalls. They plan to take the new three car garage and put eight 8' x 10' box stalls in that.

How many horses do you ultimately plan to have, Mrs. Henderson asked?

They have five school horses and with eight standing stalls and eight boarding stalls, the heaviest load they could carry would be sixteen horses, Mrs. Ward replied.

Sixteen horses on eight acres of land is high density, Mr. Smith said. Normally one horse per acre is considered high density by the Board. When will the plans be finalized for purchasing the rest of the property, he asked?

Mrs. Ward stated that they have one year's free use of the five acres. The second year they can rent it or pay interest; the third year they will get a loan and pay it off.

Mr. Barnes asked if there would be horse shows.

Mrs. Ward stated that there are none planned at the moment.

Mrs. Henderson noted that the riding ring onthe property is a structure, and should be 100 ft. from all property lines. The barn is non-conforming; it was existing. If Mrs. Ward has control of the 5.4 acres she could move it back and meet the setbacks.

Mrs. Ward stated that they put the ring in this location as it was the only flat area. It is not a permanent structure.

Mr. Frank Krause spoke in favor of the application. He has no interest personally in this piece of property, he said, but he is involved in the residue of the Grilles estate and the disposal, and has sold that to Mr. Gerald Hennesy. He is advising Mr. Hennesy upon the development of land into five acre estates and has exclusive sales rights. Mr. Krause stated that he is the developer of Cloverleaf Farms Estates which he felt was the nicest five acre development in the County. He is proud of it and if he thought for one minute that a riding school of this type would destroy it or affect it, he would be in opposition. This application is not a change in zoning - it is a use permit, and he thought that with the proper controls which the Board has facilities in hand to exercise, the mere concept of having a small school under proper control adds prestige to the area.

Is the 50 ft. outlet easement shown on the plat of the Grille property proposed eventually for a dedicated road back to the Hennesy property, Mrs. Henderson asked?

Mr. Krause replied that he thought it would be optimistic to think this would ever be a dedicated road. It is used by approximately seven land owners and he would say that this would be continued as a privately maintained road. It is an open road now and in the deed of recordation there is a clause that the residents have to contribute so much per year.

Mr. Smith asked if Mr. Krause resides near the property under discussion.

Mr. Krause replied that he did not.

Mr. Curtis Prinz, resident of Clifton Road on the other side of Clifton, stated that he was highly in favor of the application -- felt it was a good thing for the area. He lives on a five acre estate, he said, and has horses which he shows constantly. A school is only as good as the person who runs it and he knows Mrs. Ward; she is qualified as an equestrienne and a teacher. In this application is a tax advantage to the County. For every horse Mrs. Ward will have to pay $4.50 per $100 valuation as taxes to the County. Horses are probably the greatest charity raising creatures in the County, he said; they build hospitals, churches, mental health centers, clinics, and every horse show that is put on raises money for some of these causes. Sixteen horses on eight acres is not a great density -- it is an average density. He has seen stables where there are 100 horses on three acres, but through proper controls, there are no problems because they are not all going to be turned out at the same time. In many subdivisions there are a lot of children with nothing to do and sometimes they get in trouble. He has never seen a child who is taking riding lessons or who has a horse of his own to care for who has ever been in trouble with the police.

Mr. Prinz suggested that it would be a good idea to have the Health Department check each riding school once a month, or perhaps this could be turned over to the animal welfare league. This should be done with everyone who owns more than one horse. Many people in the County do not know how to feed a horse or how to care for him and any place where abuse is found should be closed down overnight.

Mr. Barnes agreed that it would be a good idea for someone to check the properties where horses are kept. A lot of horses are abused, though not intentionally.

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Opposition: Mrs. Hartnett stated that she has seven children who are never at a loss for something to do. They are very busy as are all the children in the neighborhood. She opposed the application because the did not feel that the property was suitable for a riding operation and felt that it would eventually be a blight on the community. There is much unused land in the area and the applicant could find a site where people would not object. They travel many miles to schools and libraries just to be able to live in this quiet area, Mrs. Hartnett continued; they live in an area of five acre estates and they have Mrs. Mullenar who will come to their homes and teach riding if they need it. She felt that Mrs. Ward's students would come from the streets and this is not a good idea for Clifton. She lives in Cloverleaf Farm on five acres, and they have three horses and a foal, she said. Mrs. Ward's services are not needed in the area.

Mr. Robert Colburn, 6505 Stallion Road, presented a petition in opposition, stating that there was nothing personal in the opposition. The access road goes off Route 645 beside this property to a lovely piece of property in the back being developed in estates of 12 acres and less. Two of the people who signed the petition have just purchased 12 acres. The rest of the lots are unsold. He purchased his land in this area because he liked the area. The property in question now has a riding ring right beside Route 645 which is a 45 miles per hour speed limit highway. As he understood the situation, the title to the 2.5 acres of land would be acquired by the Wards in June with an option to purchase the balance. What is being asked of the Board is to permit a riding academy on 2 acres. There is an old barn on the property which is being salvaged. It has been there a long time. The Grilles have kept the property beautifully, and have built a nice garage. It has been his experience that a riding academy boards horses, Mr. Colburn continued. There were 10 horses in the field this morning; last week there were 13 horses. He felt that this was concentrating a lot of activity in a given area and would end up being a mudhole. This is located in the middle of a curve. There is going to be a lot of traffic in and out and he did not think this was the proper place for such a school.

Mr. John Ferguson spoke in opposition. He is the owner of more than 300 acres immediately across the road from the property in question, he said, and he felt that the school would be a public nuisance in the area. He has never been approached for use of any part of his property as riding trails, he said.

Commander Hartnett, resident of the area, stated that he plans to retire in this area. He is well acquainted with a great number of horse facilities in the area and many of the owners are his friends. There is not enough help and not enough money to take care of these places the way it should be. He named stables in the County and stated that this particular property would soon turn out to look like those after a while. As to Mr. Prinz' statements in favor of the application, he lives somewhere near Route 123 and his interests are quite a number of miles away compared to the people on the petition. This is a residential area and the residents object to introduction of a commercial enterprise.

There were six people present in opposition.

Mrs. Ward again stated that the operation would be kept small.

From the contract which Mrs. Ward presented to the Board, Mrs. Henderson said, there certainly is intent to board horses and people would be coming in and out on week ends.

Mr. Klooster boards horses for his friends, Mrs. Ward stated, and she has heard that Commander Hartnett has taught on his grounds. She has never had thirteen horses. There are now ten horses and two ponies on the property. They are not her horses. Many of them have been sold. There would not be a lot of traffic -- one car would bring the four children to class. There would be one car in the morning and one in the afternoon.

Mr. Smith stated that he felt Mrs. Ward was a very fine person for operating such a facility but it is unfortunate that she picked such a small piece of land. There are no facilities for trail riding. Any use which originates out of the school has to be on property which is owned or controlled by the applicant and riding trails in the area could not be used by the school.

Mrs. Henderson noted a letter from Mr. Hennesy, owner of property to the rear, stating that he would have no major objection to a riding school operated on a modest scale. He expressed concern about the parking and that the 50 ft. outlet road might be used.

Mr. Yeatman called attention to the Staff report -- "A site plan would be required for this use. Parking and screening requirements are to be established by the Board of Zoning Appeals. Recommend dedication to forty feet from center line of Clifton Road (Route 645) for half of the proposed eighty foot (80 ft.) right of way."

If this application were granted, Mr. Smith explained, the applicant would have to dedicate and construct the road, unless this requirement were waived. This would bring the property line 1 ft. in front of the house. If he were to vote to grant the application, it certainly would be a condition of the motion to get the dedication and road widening for better access.

When a person asks for a use permit, Mrs. Henderson said, they are asking for a special privilege and there are certain rulings the Board must abide by written into the Ordinance.

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SANDRA WARD - Ctd.

This application does not meet the standards for use permits in R districts, Mrs. Henderson said.

The Board has tried to impress the people in all cases that they have a use permit before they make any improvements to the property. They should have an attorney check into the code about these uses. This is a situation where apparently the applicant has not utilized many of the officials in the County as far as getting more information. It does not meet the requirements as set forth in the Ordinance.

In the application of Sandra Ward, application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of a riding school, 6718 Clifton Road, Centreville District, Mr. Smith moved to deny the application for the following reasons: the impact of the proposed operation on less than 8 acres of landin a very light density of five acre development is not in harmony with planned development of the area and would not be in harmony with the present residential character that exists. This is not proposed primarily for use by people in the immediate vicinity but possibly some students from other areas. The number of horses proposed is not in keeping with the number set forth in the past year or so, in applications for riding schools; the density is double that allowed in the past. This is also in an area where there are many animals now being kept by people living in the subdivisions. Seconded, Mr. Yeatman. Carried 4-0, Mr. Barnes abstaining.

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RICHARD AND MARY LINTHICUM, application under Section 30-6.6 of the Ordinance, to permit side porch to be enclosed 10.5 ft. from side property line, Lot 60, Sec. 1B, Mill Creek Park, 3908 Millcreek Drive, Annandale District, (RE 0.5), Map No. 59-4 ((2)) 60, V-844-68

Mrs. Linthicum stated that they have put in air conditioning and rarely use the porch and they feel it could be put to use better by enclosing it as a dining room.

The required setback is 20 ft. -- how did the porch get 10 ft. from the line, Mrs. Henderson asked?

Mrs. Linthicum replied that she did not know. The porch was there when they bought the house. Sewer is available now and they intend to connect. She presented a note from the nearest neighbor in favor of the application. They have lived here since 1956.

No opposition.

Mr. Baker moved to defer to June 25 to view the property. Seconded, Mr. Yeatman.

In the meantime the Board should see if there was a variance granted on this house originally and find out what the zoning was in 1956, Mrs. Henderson said.

Motion to defer carried unanimously.

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DAVID THEIS (Ponderosa Farm), application under Section 30-7.2.8.1.2 of the Ordinance, to permit operation of riding stable, 9600 Leesburg Pike, Dranesville District, (RE-1), Map No. 19-1 ((1)) 21 & 16, S-845-68

Mr. Theis stated that he leases horses from Mr. Wally Holly. There are 102 acres involved in the permit. He would have 45 horses for the riding school. Anyone who wants to pay to ride can ride on the property.

How many other horses will be stabled on this land, Mr. Smith asked?

Eight others, Mr. Theis said. Mr. Holly leases 90+ acres adjoining this property. He has horses on pasture there so they could use this 90 acres too.

Will there be any instruction, Mrs. Henderson asked?

Possibly later on, Mr. Theis replied.

Mr. Smith stated that he was concerned about some of the horses that don't look very well kept. Also, he would like to see a copy of their insurance policy since Mr. Theis does not own the horses.

Mr. Theis stated that he is the manager of the horses. He takes care of the farm; he lives there and works on a percentage basis. He does not have a written agreement, only an understanding.

Who will be responsible if the permit is issued, Mr. Smith asked? Mr. Theis does not own the horses, the land or the house.

Dr. Webb owns the property and leases it to Mr. Holly, Mr. Theis said. The property is fenced, the horses cannot leave the property. He has two hired men who watch the people and help them if they need assistance, on week ends.

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DAVID THEIS (Ponderosa Farm) - Ctd.

Does a person sign any kind of contract prior to renting a horse, Mr. Smith asked?

Mr. Theis showed a card which is signed by anyone wishing to ride a horse.

Suppose the application is granted for three years, Mr. Smith asked, and Mr. Theis leaves after 1 1/2 years? It should be made clear that this is something which could not be turned over to anybody else. Have there been any accidents on the property?

Mr. Theis said they had had one or two which were not serious. He has been managing this operation for approximately six months.

Under the site plan requirements, someone would have to dedicate for road widening, Mr. Smith said, and neither of these gentlemen -- Mr. Theis nor Mr. Holly -- have the authority to speak for the land. Someone would have to guarantee that the deceleration lane would be put in.

No opposition.

There are many things the Board must know before making a decision, Mrs. Henderson said. The Board should have assurance from Dr. Webb, the controller of the property, that he would construct a deceleration lane 12 ft. wide from the east boundary of the property to the entrance.

The State is now constructing the westbound lane and is ready to put the pavement on, Mr. Knowlton said. The deceleration lane would be constructed when the State project is completed.

In any event the property would have to be dedicated, Mrs. Henderson said, and construction would have to be done at the proper time.

Mr. Smith moved to defer decision for additional information on the application of David Theis, to June 25 for a certified statement from the owner of the property that he will meet site plan requirements as to the deceleration lane; also proof of insurance to cover people visiting the property or people riding the animals owned by the applicant, the man who leases from Dr. Webb, or Dr. Webb, and a certified statement in writing as to the position of Mr. Theis as far as the operation is concerned; that he is manager and will assume responsibility, as the man making the application neither owns the horses nor the land and it is difficult to issue use permits on this basis. Seconded, Mr. Barnes. Carried unanimously.

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LITTLE RIVER DAY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day school - pre-school, 2 years old thru 5, hours of operation 7 a.m. to 6 p.m., 28 children, 4416 Roberts Ave., Lots 9 thru 15, Roberts Place, Annandale District, (R-17), Map No. 71-2, S-849-68

Mrs. Collins stated that the school has been run by her sister, Dorothy McLean, who was granted the original permit for the school. There will be no change in the present operation. She is purchasing the school. She will not live in the house. At the present time the Health Department states that they can have a maximum of twenty children and with addition of one more commode they could have twenty-eight children; their license limits them to twenty.

No opposition.

In the application of Little River Day School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day school - pre-school, 2 years old thru 5, hours of operation 7 a.m. to 6 p.m., 28 children, 4416 Roberts Avenue, Lots 9 thru 15, Roberts Place, Annandale District, Mr. Yeatman moved that the application be granted. The figure of 28 may remain as under the original use permit but at no time shall it exceed 20 without some evidence in the Zoning Office that the Health Department has approved more than 20. All other provisions of the Fire Code and all other provisions of the Ordinance pertaining to this application shall be met. 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 and operation of a dial center, 11100 Baron Cameron Avenue, Centreville District, (RE-2), Map No. 12-3 ((1)) 23, S-847-68

Mr. Smith moved that the application be deferred at the applicant's request, from six to eight months, and that the people who were notified previously be renotified at the time it is rescheduled. Seconded, Mr. Baker. Carried unanimously.

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NORMAN E. LOWE, application under Section 30-6.6 of the Ordinance, to permit utility shed 7 ft. from rear property line, and 2.8 ft. from side property line, Lot 34, Somerville Hill, 5710 Chapin Avenue, Lee District, (R-12.5), Map No. 82-2, V-853-68

Mr. Lowe stated that he built the shed approximately four months ago for storage of of bicycles, tools, yard equipment, etc. He has five children and has lived here for five years. It is a masonite shed and was built in this location because the house sets at a peculiar angle on the lot restricting the use of the land, and the back yard rises -- about 12 ft. from his back door the lot reaches a height above his roof top and there is a house directly in back of him which is way up above his house.

No opposition.

There is also a 10 ft. sewer easement coming through his property, Mr. Lowe stated.

In the application of Norman E. Lowe, application under Section 30-6.6 of the Ordinance, to permit utility shed 7 ft. from rear property line, and 2.8 ft. from side property line, Lot 34, Somerville Hill, 5710 Chapin Avenue, Lee District, Mr. Smith moved that the application be approved as applied for because of the irregular shape of the lot and the topographic situation that exists on this small lot, and that all other provisions of the Ordinance applying to this particular application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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SAMUEL L. TROOBNICK, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of dance hall on second floor of building, Lots 1 & 2, Blk. 2, Fairview, 6416 Richmond Hwy., Lee District, (C-G), Map No. 83-3 ((5)) (2) 1 & 2, S-854-68

In order to make use of the second floor, Mr. Troobnick said, he was required to make application for a dance hall. He has applied for use of the adjoining land for additional parking space. He wishes to use this space for the same use as used previously by the Fire Department -- as a hall for hire.

Mrs. Henderson read from the list of uses which the applicant would have: "wedding receptions; buffet and catered dinners; group sponsored dances; cabaret; exhibit hall; lecture hall, and club meetings."

Mr. Troobnick stated that they would have a total of 73 parking spaces. They have already been marked off by the Virginia Marking Company. They would only be allowed to have 200 people. Under his insurance, it was explained to him, Mr. Troobnick said, that he would have to be on the premises or have a responsible person in his employ. Also, on nights that the hall would be for hire, he would have two off-duty policemen present, under his employ.

Mr. Keck, adjacent property owner and long time member of the Fire Department spoke in opposition. He knew of the problems this created when the Fire Department owned the building, he said, and he presented petitions from the residents of Franklin Street, signed by 100% of the residents, he said.

The hall was not rented to outside organizations except in the year 1964 for dances, Mr. Keck continued, and there were three dances during this time. All three caused problems of parking and rowdiness and the Fire Department discontinued renting the hall for this. During the past two years they did rent for wedding receptions during the day. The latest addition was built about 1960 prior to air conditioning and there are rows of windows running down the west side of the hall facing residential areas and with the type of orchestra they have today, if this was a nightly thing every week they would soon be driven out of their minds. He questioned the parking spaces for this use -- it was always the Fire Department's understanding that they had 23 spaces on their property and Mr. Troobnick has 41 marked off. Franklin Street is only a 20 ft. wide street with no shoulders. The street would be blocked even if people only parked on one side of it. When Mr. Troobnick purchased the property he was given 90 days in which to check into the zoning so it is not a hardship case from that position. He had ample time to check into what he was buying and what its uses were to be.

Mr. Harold Lewis, resident of Franklin Street, stated that he had lived at this location for twenty years. He was one of the trustees who deeded the property to the applicant. At the time he signed the deed, he understood that the upstairs was going to be used for offices. Based on his experience and the complaints about the Fire Department, he felt that there was not enough room for a hall for hire. The residents of the area do not want a dance hall here; it is detrimental to property values. The FHA refused to appraise his property when the Fire Department held dances there. He requested Mr. Ferguson to reduce the assessment of his property on account of that and he did so on February 2, 1967.

Also, before the addition was put on the back of the building, he had the State Fire Marshal come up from Richmond, Mr. Lewis continued, and he said the building was not constructed for it. The addition was built after he left his position of President and it does not conform to the Fire Underwriters requirements. The front door is only about 10 to 12 ft. from Richmond Highway and if the people had to get out in a hurry there would be no place for them to go.

Mr. Troobnick presented the latest reports, including the Fire Marshal's report on the second floor. A complete team was down there, he said, and they only stated that he would have to put a larger fire extinguisher in the kitchen and hang

SAMUEL L. TROOBNICK - Ctd.

up the fire extinguisher that is sitting on the floor. He agreed with the opposition in relation to what happened when the Fire Department occupied the building. There was no supervision for parking then and they parked on both sides of Franklin Street. There was no agreement with the Fire Department in his purchase of the property as to what the second floor was to be used for. They called in professional people to mark off the parking lot and the small spaces are for Volkswagens and are marked accordingly. The exits to the upstairs floor meet all requirements of Electrical, Health, Plumbing, etc. He disagreed with Mr. Keck that the upstairs was leased out for private parties. There was a dance leased out to an organization and the Police were called because bottles were being thrown out of windows on the second floor. There would be two policemen on the premises to enforce the law during their activities. No cars would be parked on the streets. He did not see why he should have a use permit, he said, he only plans to use it for the same use which the Fire Department made of it.

This is a commercial operation, Mr. Smith pointed out, and the Fire Department was a community operation.

If there is any granting of a use permit, Mrs. Henderson said, she felt it should be strictly to Mr. Troobnick, with no subleases. She wondered if it might be possible to limit the permit to see if it was going to work out, possibly to the end of September.

If he could not rent it out on a permanent basis, he may as well do something else with it, Mr. Troobnick said. He felt that the upstairs could be used as long as the downstairs is closed.

Mr. Yeatman felt that a dance hall this close to residential property was not compatible. The people living there object to this use.

Mr. Smith said he would like to view the property and inspect the parking places before making a decision. A very temporary permit might be in order to find out what the impact of this operation might have on the adjacent area and if it could be screened as far as light and sound are concerned from adjacent property owners to a degree that would not be disturbing. He moved to defer for two weeks. Seconded, Mr. Baker. Mr. Troobnick should present plats showing the outline of the parking to the Zoning Administrator. Carried unanimously.

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CENTREVILLE TEEN CENTER, application under Section 30-7.2.6.1.1 of the Ordinance, to permit operation of recreation center in existing dwelling, Lot 101, Section 3, Lewis Park, 12541 Bunche Rd., Centreville District, (RE-1), Map No. 66))7)) 101, S-848-68

Mrs. Lauretta Marshall asked that the name be changed to Centreville Civic Center. She owns the land and will arrange construction of the building which will be rented out to the Fairfax Community Action Plan. This is for the benefit of the immediate community.

Mr. James Scott, Director of the Fairfax Community Action Program, stated that they currently have an office in the basement of a dwelling; it is not really an office, but a place for answering the telephone. They have been working in the community without any permanent office space for some time. They try to work with the citizens in the area for improvement of the community. Their program includes help in the area of job training and day care programs and the Head Start Program. Mrs. Marshall has agreed to let them rent the building which she plans to construct. A small portion would be used as an office and the rest as a meeting place for teenagers. They think that with the establishment of this facility, they will be able to invite the Recreation Department to come and help them provide recreational programs. They are trying to get a septic field in. This would be a 54' x 27' building. There are 146 dwelling units in the area. They have had volunteer students from George Mason College conducting tutoring sessions for them.

Sanitation may be the worst problem, Mrs. Henderson noted. The report from the Health Department dated May 24 says that the existing septic system is malfunctioning and that this is a difficult area for percolation.

The citizens are trying to provide recreation for themselves, Mr. Smith said, and if there is no opposition to it, the use should be granted, knowing that they will have to cross the bridge of Sanitation when they get to it.

No opposition.

In the application of Centreville Teen Center, amended to Centreville Civic Center, Mr. Smith moved that the application be granted to allow construction of a 54' x 27' building to be operated as a recreation center on Lot 101, Section 3, Lewis Park, 12541 Bunche Road, Centreville District, and that if possible the Staff recommend to the Board of Supervisors waiver of site plan since this is a community use being established by the community through its own efforts with the help of the Fairfax Community Action group. All other provisions of the Ordinance pertaining to civic use shall be met. Parking requirements were omitted because this is in the center of the community and he did not believe there was need for more than six parking spaces. Seconded, Mr. Barnes. Carried unanimously.

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VAIL W. PISCHKE, et al, application under Section 30-7.3.10.3.1 of the Ordinance, to permit erection and operation of service station, Loehmann's Plaza Shopping Center, south side of Arlington Blvd., opposite Jefferson Village apartments, Providence District, (C-N), Map No. 50-3 ((1)) part parcel 5, S-846-68

Mr. Donald Crounse, attorney, stated that the application should have been filed under the name Boulevard Associates. Vail Pischke is their attorney. This will be a Phillips station. He has met with the citizens of Broyhill Park and after going over plans with them, they have incorporated in the covenants running with the land several things on screening and design of the building, and at their insistence this will be a back bay station. No bays will be seen from the highway. This will be a low one story Colonial type building. There will be screening in the front, sides and in the rear, pine trees. This will be a three bay station. A service road dedication will be required which will complete the service road from the corner of Graham Road back past the apartments. The covenant provides that the type of structure must be approved by the developers of the other shopping areas.

This is what bothered her, Mrs. Henderson said -- it is such a hodge-podge of designs.

This covenant will be on the land and is part of the agreement with Phillips Oil Company, Mr. Crounse stated. They must submit architecturaldesigns compatible with the shopping area.

Representative of the Oil Company stated that the station would have the type canopy shown in the picture. There would be no freestanding signs. He presented a copy of the restrictions for the record. (See folder.)

No opposition.

In the application of Boulevard Associates, Inc., application under Section 30-7.3.10.3.1 of the Ordinance, to permit erection and operation of service station, Loehmann's Plaza Shopping Center, south side of Arlington Blvd., opposite Jefferson Village apartments, Providence District, Mr. Smith moved that the application be approved for a three bay rear entrance station with canopy designed as presented with the application; that the restrictions, agreements and covenants that accompanied the application and agreement with certain citizens in the area be complied with,one of these being that there will be no freestanding pylon signs. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

COLONIAL PIPELINE COMPANY, application under Section 30-7.2.2.1.8 of the Ordinance, to permit installation of (1) an oil-water separator; (2) replace existing sample cabinet with small steel sample building 12' x 12' x 8'; (3) construct retention pond with 7 ft. high aluminum wire mesh fence surrounding entire pond, in accordance with brochure and plans filed herewith, 13100 Moore Road, Centreville District, (RE-1), Map No. 55-3, ((1)) 31A, S-825-68 (deferred from April 23.)

Mr. Hardee Chambliss reminded the Board that at the last meeting of the Board he called to the Board's attention that Mr. Daniel Smith, a member of the Board, had spoken in opposition to the granting of this application at the Planning Commission hearing of the application. On April 23, at Mr. Chambliss' request, Mrs. Henderson had asked Mr. Smith if he intended to disqualify himself and he had declined to do so. They did not get down to an actual hearing at that time because of Mr. Chambliss' failure to notify one of the adjoining property owners, and the matter was deferred to this date.

Mr. Chambliss again requested that Mr. Smith disqualify himself because he had already spoken in opposition at the Planning Commission hearing on this matter on April 22.

Mrs. Henderson stated that she had said before that this was an irregular procedure but she did not feel that she could order Mr. Smith not to take part in the proceedings, and had left it to his own conscience.

Mr. Smith explained that he had appeared before the Planning Commission as an interested citizen and not as a member of this Board, to point out certain pertinent facts to the Commission at the time it had a public hearing on this application, the pertinent facts being those that were related to the original motion granting the permit in the beginning. This was his only reason for appearing and he did not feel this should affect him in any way as far as his action or his participation in a decision by this Board. He lives in the area, he said, and participated in the motion to grant it under certain conditions and without any further expansion. These were the facts that he pointed out to the Planning Commission, he said, and other than answering questions that were put to him by various members, he took no part in this.

Mr. Chambliss said he believed that Mr. Smith had stated that he lives at least a mile from the location of the facility.

He possibly lives more than a mile, he replied, but he is interested in the general development of the County, and particularly the Centreville area in which he lives.

Messrs. Yeatman and Baker stated that they felt that Mr. Smith had the right as a citizen to appear before the Commission which is an advisory board and did not see any reason why

he should not be allowed to apply himself to the Board today in this application.

Mrs. Henderson stated that she personally felt that no member of the Board who has to pass final judgment should appear and give testimony to another Board on the same subject; she thought that it was improper and irregular. However, the consensus apparently is that Mr. Smith should take part, she said.

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Mr. Chambliss proceeded with his presentation, addressing himself to one feature of the facility which he said he felt attracted more attention and more protests at the meeting of the Planning Commission than anything else -- that is, the question of noise from the facility. A number of neighbors in the area appeared before the Commission and expressed their disapproval of the facility on that aspect, and although the Chairman of the Commission felt that it was not necessarily relevant to the application that was before the Commission, he felt quite sure that it was relevant as far as the people in the neighborhood were concerned, and he did not blame them for expressing themselves on that point.

Since April 22, Mr. Chambliss continued, the applicant has made an attempt to reduce the noise. They are at this time constructing a plywood barrier which would be 32 ft. long and 8 ft. wide with ordinary insulating material in between about 4 inches in depth, in an effort to diminish the noise. They have ordered equipment to install mufflers and baffles on the elbows of the pumps that are there. One is a 5,000 horsepower pump and the other is a 6,000 horsepower pump. The 6,000 horsepower pump was not in at the time the original application was granted but he thought that it was understood that it would be later installed and it is either one or the other, or both of these pumps that have been giving distressing, disturbing noises in the area. He read to the Board a letter received from Colonial relative to the noise problem, as follows: The suction and discharge elbows on both the 5,000 and 6,000 horsepower pumps are being wrapped with Owens Corning aeroflex fiberglass acoustical liner with an outer wrapping of fiberglass fabric, painted with epoxy fiberglass for stiffening and weatherproofing purposes. Now, Mr. Chambliss continued, Mr. McCloud, attorney for Colonial, in a letter has told him that they hope to have this work completed in July but meanwhile they are erecting a temporary barrier to serve to minimize the noise problem. The 6,000 horsepower pump elbows will be enclosed with a slip-over three sided acoustical box with top. The 20" take off control valve works also will be fitted with a three sided acoustical box with top. Since the acoustical box as mentioned above will not be delivered until on or about July 5, 1968, it has been decided to construct within the next few days a temporary noise baffle between the 6,000 horsepower unit and adjacent residential property. This noise baffle will be constructed of plywood and will be 32 ft. long and 8 ft. high. The surface will be covered with acoustical material.

This is not an enlargement of existing facilities, Mr. Chambliss said. There will be no increase in the amount of petroleum product that is pumped through the 32 inch line and for that matter, through the 6 inch line that goes to Dulles. There are four things that they request, shown on the sketch. The first is a little house 12 ft. square and 8 ft. high where they propose to construct for the purpose of permitting an employee of Colonial who takes samplings from the petroleum product as it passes through the 32 inch line, to take samplings from that line so he will know that the product is up to the standard that it is supposed to be, passing at that point at that time, and if not, he can immediately notify Atlanta of any discrepancy. Secondly, an oil-water separator which is shown as Item No. 2 on the map, and that will be underground. It is an underground tank except for about 8 inches that will protrude out of the ground purely for the purpose of catching any surface water that comes off of the facility within the fence and it is covered with concrete, and also any spillage of oil so that it will go into the oil-water separator and in turn, the oil that was separated will go into a sump tank which is already installed there. The water itself will ultimately go down into this impoundment.

The impoundment will not be filled with water as he mentioned to the Planning Commission, Mr. Chambliss continued. Colonial expects to take out enough earth, not by blasting but by bulldozer, to construct the impoundment that is indicated here. The purpose of this is purely precautionary, to protect the drainage system from any petroleum overflow that might take place. He referred to the accidental spill out of the City of Fairfax a couple years ago when a valve was accidentally left open and gasoline spilled out and ran into the creek that separates the tank farm from the golf course. Fortunately there was no disaster. Since then, American and other companies incidentally in which Colonial has participated, have put in a retention pond similar to this except considerably larger, with the scheme exactly the same. Colonial has put in an impoundment, a better word for it since that is what is is rather than a pond, as it is not always filled with liquid. Colonial has put in similar impoundments in six or seven of its other facilities in the last eighteen months or two years.

Mr. Chambliss showed photographs taken from the ground and from the air.

Mrs. Henderson asked Mr. Chambliss if any trees would have to be cut down.

Mr. Chambliss replied that Mr. Calupca thought that he would be able to save most of them. Three or four of them would be lost according to the engineering drawing.

Mr. Smith noted that several trees had been cut in the area already.

Mr. Chambliss stated that he attended a meeting today at lunch time with Messrs. Noble and Bacas, property owners most directly affected by the existing use, and screening was one of their concerns. They have satisfied them on that point and propose to plant screening,

not along the road, but along the fence. It will be just outside the southerly fence that surrounds the present facility.

In the picture marked as No. 6, Mr. Chambliss said that the original site plan showed a cedar hedge which was installed by Colonial. Though technically they might be controlled only by the site plan, they do propose to put in additional screening along the edge of the existing 7 ft. aluminum fence which is to the south of the present facility. The existing screening of cedars conforms with the site plan requirements.

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With regard to the screening of the impoundment itself, Mr. Chambliss continued, Mr. Calupca plans on making that a bunker which will be 6 or 7 ft. high and will be seeded. That will be supplemented by the evergreen plantings which they propose to add directly to the south of the existing fence.

Colonial has obtained from the Water Control Board a certificate approving the proposed impoundment, Mr. Chambliss said. He called attention to the second paragraph of the letter from the State Water Control Board from Mr. P. E. Cooley, Director of the Pollution Abatement Division of that Board: "As I indicated, your plans for constructing these safety facilities on your property is to be commended, and from a cursory look at the plans, they would seem to take care of any possible spillages that you might have at the station. However, in further reviewing the plans, it is noted that you have a discharge line through the dike of a pond. Due to the location of this pipe, we can only assume that a discharge facility is anticipated. Because of this, we must request that you submit an application for a certificate to this office. This application would be similar to the others that you have submitted previously."

In accordance with that paragraph, Mr. Chambliss continued, an application for a certificate was submitted to the State Water Control Board and Certificate No. 1889 of that Board was issued on April 11, 1968 to Colonial and specifically covers the impoundment which they propose. The obvious virtue of the impoundment is to catch any spillage that might occur if there was a gasket that went between a flange at this facility and there was spillage of petroleum which would otherwise go down into the natural watershed and might pollute wells further downstream. Colonial proposes to coat this impoundment with a chemical to make it impermeable either to water or petroleum products. This has been used repeatedly at other installations with huge success. This is just a temporary measure. They don't plan to have any product there regularly at all. It is merely a safety feature to catch any accidental spillage temporarily until they can get it out of there and get it back into their lines. That is the purpose of it.

Mr. Smith stated that he did not believe the comparison of this facility to the one in the City of Fairfax was a good comparison at all. This was not meant to be a distribution facility as the facility is in the City of Fairfax. That is also an industrially zoned area. The pumping station is in a residential area, therefore, he thought that there was no comparison between the two. Also, in that incident, a manual valve was left open. This is something that was controlled by an individual. All of the valves in connection with this pumping station are automatic; nothing is left up to the individual.

Mr. Chambliss replied that the hazard in any case is a matter of degree and compared it to a blowout on a bicycle tire as compared to a blowout on a bus. It is a matter of degree. They have the same type of hazard here that they have in the City of Fairfax. The only point is that if they should have an accident even with all the precautions that Colonial takes, the oil would be caught without polluting the stream further down or without endangering property outside the property lines of Colonial.

Has Colonial had a spillage from a malfunctioning valve any place in Virginia, Mr. Smith asked?

Yes, Mr. Calupca said, that is why they have technicians.

Mr. Chambliss stated that he did not think that should control taking a precautionary step. There are precautionary devices that railroads and airplanes have but they are never used but they are there in the event that some unforeseen hazard does occur which requires their use. Colonial is trying to put in a safety feature which they hope they will never have to use. The same hazards exist here as at any liquid petroleum product station. The State Water Control Board saw what they had in mind and he believed that was the reason that they issued the certificate, Mr. Chambliss said.

It was stated at the original hearing, Mr. Smith said, that there was no possibility of spillage because this was a root system and it was merely to push or pull the product.

Mr. Chambliss stated that he had reviewed those minutes and he did not think that it was stated that there was no possibility. There is always a possibility of some leak or spillage and at the original hearing, he did not think that Colonial represented anything to the contrary.

What is the actual size of the pond, Mrs. Henderson asked?

If it were filled with water it would be approximately four tenths of an acre, Mr. Calupca said. The maximum level would be at the top of the dam -- about seven tenths of an acre.

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Mrs. Henderson commented that she didn't see any objection to taking a precaution; she did not see any expansion of the operation at all.

Mr. Smith disagreed -- it is an expansion, he said, because the pool could possibly wind up with 100 gallons or barrels of oil out there in an open pond. How could there ever be an eruption that would warrant or justify this? This could not possibly happen in an electronically operated system such as this. If it were possible, he did not think the Interstate Commerce Commission would allow them to operate.

Why would Colonial go to all this expense if they felt secure with the operation as it is now, Mr. Barnes asked?

Anything is possible, Mrs. Henderson said, and we should never say that nothing is impossible.

The pipes and valves are constructed very rigidly, Mr. Smith said, and this is a foolproof system, far more foolproof than man.

Mr. Calupca described the small sampling building on the property which when opened means that the man is standing out in the weather. It hasn't been too practical and they would like to erect a building 12' by 12' which would be green and white to match the present building although it is only 8 ft. high. It would be a square flat roofed building to give the man protection.

Why would they need a 12' by 12' building to cover the man and telephone, Mr. Smith asked?

They have a standard sample sink, Mr. Calupca replied. This is a building they have used at their other facilities. They have had a uniform type of engineering on their pipeline and they want to keep it that way. The sink would be comparable to a kitchen sink with working space to the right.

Is there a sink there now, Mrs. Henderson asked?

There is a tray that is about 6 ft. deep and 4 ft. wide, Mr. Calupca explained, that hinges open, and there is a pipe coming out of the bottom that drains into the sump tank. It is a closed system. The man opens the faucet, collects it, then dumps it back down the drain after he reads his hydrometer.

Mr. Yeatman asked Mr. Calupca if the motor could be quieted.

Mr. Calupca showed a drawing of what they propose to do to quiet the noise.

Why wasn't this done before this annoyance to the residents, Mr. Smith asked?

They never had any complaints about noise, Mr. Chambliss said.

Mr. Bacas stated that he had been assured by Colonial that reasonable steps will be taken to provide screening for the facility and that was his major concern.

Mr. Smith asked if Mr. Bacas sold Colonial the 10 acres for this facility. Does he live here?

He said that he did sell the property to Colonial. He does not live in the area but is the owner of 110 acres of surrounding property and is interested in keeping this to the use that was permitted originally.

Opposition: Dr. William J. Thaler stated that he is a physicist by training and some of the local people asked him to look at some of the technical details. His feeling after discussing this with a number of the people involved is that the noise problem is something that can be taken care of by proper engineering and can be enforced by the Colonial Pipeline Company. As to the retention pond proposed by them, he stated that it would be equivalent to seventeen of his swimming pools. (His pool is 40' x 25', averages six feet deep and holds 40,000 gallons of water.) This is a residential area and it is rather surprising that after four years Colonial should suddenly become concerned so heavily about the so-called safety features of this retention pond. If it is such a necessary safety item, why was it not proposed four years ago when the initial application was made?

In the minutes of 1964 and the hearing on April 22, it was indicated that this station operates with a monitor system to the dispatcher in Atlanta which provides information on the functioning of the automatic equipment in the station on an every ten-second basis. The engineer has stated that the facility pumps 30,000 barrels an hour. The capacity of the retention pond is 16,600 barrels, Dr. Thaler continued, which means that if a break occurred, it would take half an hour to fill that storage facility. Now they get information every 10 seconds on whether the equipment is functioning properly and it certainly doesn't take them a half hour to shut the pumps down. Nowhere in the minutes has he found any reference to the possibility or consideration of the possibility of some kind of underground storage for this potential spillage which he thought would be more in keeping with the residential character of the area and also even more of a safety factor than an open pond with petroleum products, possibly gasoline floating on the surface of the pond.

Mr. Ralph Thomas, Centreville representative of the Fairfax County Federation of Citizens Associations, read a resolution passed at their past meeting:

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"Be it resolved, that the Fairfax County Federation of Citizens Associations opposes the installation at the Chantilly pumping station of an above-ground retention pond in a residential area, urges the denial of this request and a study by the Colonial Pipeline regarding the possibility of a below-ground storage tank for such purpose or other means of accomplishing the safety measures which may be necessary."

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Would they be in favor if there were underground tanks, Mr. Yeatman asked?

He could not answer for the Federation, Mr. Thomas replied, but the sentiment that he drew from the discussion was that they would not be opposed to such an installation.

Mrs. Dorothy Labson, Vice President of the Centreville Citizens Association, presented the formal resolution of the Centreville Citizens Association, passed unanimously at their meeting of May 13:

"Since Colonial Pipeline has not lived up regarding the Chantilly pumping station to its previous agreements, we urge that the request for the installation of an oil water separator, replacement of existing sample cabinet and the construction of a retention pond be denied."

In addition to speaking as an official of the Citizens Association, Mrs. Labson said she was speaking as a resident of the immediate area concerned and as a representative of the people of the area with whom she has been intimately associated for seventeen years as President of their PTA, Vice President of their Citizens Association, Girl Scout Leader, Delegate to the Fairfax County Council of PTA's and the Federation of Civic Associations and as a member of the County Board of Public Welfare and as a teacher of many of their children. These people bought their land here because they had faith in the growth and development of this area and of Fairfax County. They have been consistently by-passed when plans for the growth and development of Fairfax and particularly Centreville, have been proposed and enacted when it seems that the powers that be have chosen to encourage development of large areas to the profit in many cases of big builders and speculators and the little individuals who have waited patiently for many years have been shoved aside. Now they are faced with another problem which could prove to be a further setback for their hopes and dreams for the area.

They did not originally protest the installation of the facility, Mrs. Labson continued, because they were assured that no further expansion would ever be requested and this is so stated in the Board's minutes of that date. They reluctantly agreed at that time, though with misgivings, to not protest this installation. They feel now that they were naive in agreeing to this and this naivete was based on a belief in the honesty of responsible people and especially in the belief of a company of the magnitude as this one. They feel that this is a foot in the door. It was four years ago when they told them that they would never ask for any further expansion and the citizens feel that this is an expansion being planned. Certainly Mr. Chambliss can say with all honesty that he knows of no plans for future expansion, just as four years ago, Mr. Church who was the attorney at that time could honestly say that there would never be any expansion and he is not now being put in the embarrassing position of asking for that expansion. Perhaps four years from now another attorney will represent Colonial and he too can say he doesn't know of any further expansion.

They feel that Colonial has not lived up to their prior agreements. The Board members have heard the noise and even though temporary measures have been taken within the last few days, the noise has been audible, Mrs. Labson continued. They are concerned about the danger to themselves and their property. If there is only to be such a small amount of spillage, why is a pond the size of almost an acre required? They do not feel that this has been satisfactorily answered. They also wonder why four years ago there was no hint that there might be accidental spillage. Had they known at that time they would have protested vigorously. There is a definite fire hazard involved, and also they are concerned about the contamination of their water supplies. They are served by wells and depend on them for their very living conditions in the area. The seepage is evidently going on, Mr. Chambliss has admitted this. They know of one case less than a half mile from the pumping station where the well has been contaminated by oil. They were not able to prove that the contamination was from the pumping station.

The pumping station has already had an effect on property values, Mrs. Labson said, though at the time they were assured by their appraisor that it would not affect adjacent property values in the area. They are also concerned about blasting -- they are going to have difficulty in establishing a 6 ft. deep pond in that area of underlying rock using only bulldozers. They are also concerned about drainage and the chemical substance to be used for sealing the pond. What is its effect on pollution? How does it stand up in dry weather? Is it still effective after being subject to the hot sun during the summer when it is dry? They are concerned also about stagnant water in the pond. There will be odors from the oil which would be carried by the wind. They still wonder if another pipeline is being planned. Why would Colonial want to spend so much money installing a pond of this type if it were not felt that it were necessary? They wonder what else Colonial has in mind that it would make this kind of installation profitable for them. Is there going to be a retention pond at every booster station, they understand there is one approximately every 50 miles. Among other fears which they have, they know that eventually the Outer Beltway is going to cross Route 29-211 somewhere in their vicinity. Maybe Colonial knows something the citizens don't know. Maybe this would be an ideal location for a tank farm.

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Mrs. Labson stated that the citizens commend Mr. Smith for his activities in this case; they believe in his integrity and if there is any conflict of interest, it is only his interest in the people of Centreville and Fairfax County in general. They would hope that there would be many more people as deeply concerned as Mr. Smith.

Colonel Sasser stated that there are no other pumping stations in the State of Virginia in a residential area. The one at Columbia which is frequently compared to the one at Centreville is on the Richmond by-pass which is a highly industrialized area. The one near the James River is located in a remote rural area. This type of installation is not compatible with residential zoning. A retention pond of the same sort proposed here was in use at Kelsey Creek Station at Spartanburg, South Carolina. At 9:45 p.m. on 17 November 1963 this pond ignited and burned for three days and nights before it was extinguished by eighteen fire companies. Homes were damaged, families evacuated, residents were injured and one burned to death. They have found their new neighbors to be very poor neighbors with a callous disregard for the citizens' safety and comfort. Colonial should be given a reasonable length of time in which to comply with conditions granted in the use permit; the citizens feel that a reasonable length of time should be ten days from this date, and failing to comply, the booster station should be closed down until they can comply.

Why were there no complaints to the Zoning Administrator, Mrs. Henderson asked?

Colonel Sasser replied that he had complained to the Supervisor of his District. Several residents have complained to the Police Department and others have called the Pipeline number that appears in the Telephone Book. Also, the noise woke him up at 3:00 a.m. and he called Mr. Covington. He was good enough to come down and listen to the noise.

Mr. Covington described the noise as a constant high-pitched hum that could be heard from Colonel Sasser's home but not down at street level.

Mr. Smith asked if Mr. Covington intended to see that this is corrected and he replied that the Board would have to stipulate that the noise would have to be controlled because there is nothing in the Ordinance setting a standard for noise emanating from a residential neighborhood -- only for industrial.

Mr. Thomas Fisher objected to the noise. He feared that Colonial was going to keep expanding until this became dangerous to everyone.

Thirteen people were present in opposition.

The only thing that could be called an enlargement, Mr. Chambliss said, would be the little shelter that is being put up to accommodate the man who takes samples from the line, or the oil-water separator which will be all underground except for about five inches. The retention impoundment would be only a precautionary measure. They do not expect to keep water or oil in it unless they have an accidental spillage. It is to be a safety measure. There is no evidence before the Board that this would be a fire hazard. As to the complaints, the first time they heard of any complaints was at the Planning Commission meeting. He wrote to Colonial after hearing of the complaints they are trying to do something about it.

What is the possibility of having the impoundments underground in a tank, Mrs. Henderson asked?

They have not considered that point, Mr. Chambliss replied. Perhaps it would be possible. It would be excessively expensive in view of the fact that the possibility of spillage is rather remote.

Can the pond be dug without blasting, Mrs. Henderson asked?

Mr. Calupca stated that recently they installed cathodic protection, burying the anodes 7 ft. deep 30 ft. off their pipeline. They did not encounter rock and for all the limited excavation that is planned at this pond, they can do it without blasting. After all, they have a 32 inch pipeline and a 6 inch pipeline and they would not blast close to these.

What about Mrs. Labson's question as to the permanency of the detergent liner, Mrs. Henderson asked?

Mr. Calupca said they would not use very much. He has written for a brochure from the Agriculture Department for more information. He was not prepared to answer that now.

Mrs. Henderson said she could understand why this is a safety factor but it would be preferable to bury it in the ground. Also the screening is not very good.

They will improve that, Mr. Calupca said.

Mrs. Henderson suggested deferring the application for more information on the detergents and possible seepage into nearby wells.

Mr. Smith felt that the pond was an expansion. It goes beyond the limits of the fenced area that was first set aside for the use in the original motion. It is bad planning to have an open retention pond for oil in a residential area and if there is any plan

to bury this it should be to the rear of the facility and not close to the residential area. He expressed concern at the way the Pipeline Company has handled the screening and noise factors in this case. The Board was told before that they were going to leave the trees there -- the trees have been removed. It seems that the separator inside the plant does serve a useful purpose and he could not argue with the shelter for the testing facility but felt that it was too large. Anything beyond that he said would be unreasonable.

Mr. Smith said he felt that the noise factor became a real problem after they installed the third motor which is a rather large motor. People were not as badly annoyed by the two motors and he thought the noisy motor should not be used until the noise factor was corrected.

Their rates increased and they had to have the extra horsepower, Mr. Calupca said. They pump 24 hours a day, summer and winter, with scheduled shutdowns for maintenance of equipment. They have been in operation for four years. The demand all along the system is greater and there are more people to serve.

Mr. Chambliss stated that when they made application to the Water Control Board, they submitted documents similar to what the Board has, only with more information, and the path of drainage from their facility was traced into Little Rocky Run, Bull Run and Occoquan. Before the certificate was issued, it was advertised for four weeks in the newspaper at Centreville and there were no objections from anyone.

Mrs. Henderson read the recommendation of the Planning Commission -- that the Board deny the construction of a retention pond, but recommended approval of the oil-water separator and replacement of the existing sample cabinet with a small steel sample cabinet.

Mr. Knowlton stated that he had a recommendation which was not included in the Staff report, that if the application is granted, that it be granted on condition that the applicants agree or sign an agreement to the effect that in the future when the land to the east is developed, they will dedicate such land as is necessary to continue Moore Road into the adjoining property.

Mr. Smith stated that he felt that the original motion setting forth the criteria under which this use permit would be permitted is very specific and this has not been adhered to. This is a form of expansion when they move outside of the enclosed area that is now part of the installation and the type of expansion that is now part of the installation and the type of expansion that the citizens in the area were concerned about at the time of the granting.

The Board was assured, not only by the applicant, but by the wording of the motion, that there would be no additional installation or expansion outside of this fenced area; that it would be maintained in a manner compatible and harmonious with the residential character of the area, Mr. Smith continued, and these things have not been done. It has been pointed out in detail at this hearing. The noise factor the Board is told, will be abated, yet the Board is not told that it will be abated to the degree that was set forth in the granting of the use permit. These are things the Board should be concerned about. The Board should be concerned as to the strict compliance with the conditions set forth in the granting of use permits, especially when they are granted in residential areas of this character, with this impact.

Mr. Smith stated that he felt that the original motion set forth the entire operation and apparently there is no great opposition to a small building for the sampling cabinet and he felt that the oil water separator does have some merit, but beyond that and unless this facility can be brought up to the standards that were set forth in the original granting, he felt they should replace the pump with two smaller pumps, or as someone has suggested, that they should suspend operation until they could comply with it.

Apparently the Zoning Administrator is waiting for some directive from the Board to enforce this, Mr. Smith said, and he believed, in all fairness to the people now at the last minute they are making an effort to correct the noise factor, and he did not believe that it should be allowed to continue beyond July 15, the time that they have said they will be able to abate it, and if there is the noise factor beyond that time, the Zoning Administrator should request them to suspend the operation of the noisy pump or replace it, or come back with the possibility of replacing it with two smaller pumps where they could live within the confines of the original granting.

Mr. Smith moved that the application of Colonial Pipelines Company, application under Section 30-7.2.2.1.8 of the Ordinance, for installation of (1) an oil-water separator; (2) replace existing sample cabinet with, and this is only in part, a building 8' by 8' by 8'. They have been sampling this product outside for over a year and they do have a point in trying to get the man out of the weather, but certainly he does not need a 12' by 12' building just for a man and a telephone; that the third item, construction of the retention pond be denied, and one of the conditions for the granting of this inside of the existing fenced area is that the Colonial Pipelines within a period of time not to exceed July 15, 1968 comply with the original granting and that they not be allowed to make these additions until such time as the noise has been abated and the screening has been placed around the entire operation as first outlined and apparently was withdrawn because of the large number of trees next to Moore Road which they have cut, and the little

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cedar trees have not grown. All of these corrections should be done by July 15, 1968 and if not, then the Zoning Administrator should issue a show cause to the applicant.

Mrs. Henderson asked for clarification -- did the motion mean to grant the oil-water separator within the present fenced area?

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Within the present fenced area, Mr. Smith replied, with an 8' by 8' building to cover the sampling.

Mr. Yeatman seconded the motion.

Mrs. Henderson stated that she personally felt that it would be a little hasty to deny the pond; it seemed that more study should be done on that.

Mr. Barnes agreed, and added that he would like to see action deferred until the Board could find out something about an underground installation.

Perhaps they could build a steel building over it, Mr. Baker suggested, and as far as a fire hazard, they could enclose it even though it is a pond, he would think.

Mr. Yeatman suggested denying the pond until further study.

Mr. Smith said he felt that the general consensus of the Board was that they did not want an open pond and this part of the application should be denied; they could come in with a new application if they want to put this underground. If there is an effort to put it underground, it should be to the rear of the installation and not on Moore Road as that road will eventually serve the entire area.

She would hate for the Board to deny something that is really a needed safety factor, Mrs. Henderson said.

Mr. Smith said he would be more concerned about it if it were there and someone struck a match -- an open pond is absolutely out of the question in a residential area.

Suppose they put a high fence around it, Mrs. Henderson asked?

A match could go over a 7 ft. high fence, Mr. Smith replied.

What would happen if they did have a spillage, Mr. Barnes asked? They would have no control at all and anybody could throw a match. It would go all over the country, but if they have it in the pond, they have at least got it under control and they could put up a caution sign to stop people from smoking and coming near it, but if they didn't, oil could go all over people's property and anyone could throw a cigarette out there. They could control it with a pond.

If this safety factor is so great a safety factor that it should be done, Mr. Smith said, then he thought the Pipeline Company should come in with a new plan showing an underground installation to the rear of this property. They put the original installation right up to the closest point possible to the residential area and now they propose an open pond on Moore Road which will eventually be a developed road to serve the entire area. He invited the Board's attention to the original motion, to the complaints heard at this meeting, and the fact that the applicant has not adhered to this. If they want an overflow system they should come in with a new plan to the rear of the property, buried underground, and not close to the residential area.

Mrs. Henderson said it was certainly not her impression from hearing the testimony that this would be an open pond of oil; her impression was that there might be some oil on top of some water once in ten years; most of the time it is a dry pond.

Mr. Yeatman withdrew his amendment to the motion and asked for the question.

Mrs. Henderson restated the motion -- the motion is to grant an 8' by 8' by 8' sample cabinet, to grant the oil-water separator as shown on the plat, to deny the retention pond, and in addition to that the Colonial Pipeline Company be made to comply with the original motion which has to do with screening and noise by July 15,1968 or the Zoning Administrator is authorized to take a show cause action against the pipeline company.

That is correct, Mr. Smith said.

Motion carried 3-2, Mr. Barnes and Mrs. Henderson voting against the motion.

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JOHN D. H. KANE, application under Section 30-6.6 of the Ordinance, to permit construction of addition to dwelling 29.5 ft. of front property line, 1615 Forest Lane, Lot 528, Section 1, Chesterbrook Woods, Dranesville District, (R-17), Map No. 31-4 ((4)) 528, V-827-68 (deferred from April 23)

(Deferred from April 23 to view. For decision only)

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In the application of John D. H. Kane, application under Section 30-6.6 of the Ordinance, to permit construction of addition to dwelling 29.5 ft. of front property line, 1615 Forest Lane, Lot 528, Section 1, Chesterbrook Woods, Dranesville District, Mr. Smith moved that the application be approved as applied for, as shown on plats submitted; there is approximately 14 1/2 ft. of space that is not being utilized between the highway right of way line and this ~~property line that is~~ being kept up by Mr. Kane; this area is completely built up and this would not be a detriment or adversely affect any of the property owners in the area. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN M. BROZENA, application under Section 30-6.6 of the Ordinance, to permit erection of garage 31 ft. from front property line, Lot 426, Block J, Section 4, Monticello Woods, 6500 Carrsbrook Court, Lee District, (R-12.5), Map No.80-4, V-828-68 (deferred from April 23 to view, for decision only.)

Mrs. Henderson stated that she had viewed the property and the applicant can build a usable carport with no variance. Most of the houses in the subdivision do not have carports.

In the application of John M. Brozena, application under Section 30-6.6 of the Ordinance, to permit erection of garage 31 ft. from front property line, Lot 426, Block J, Section 4, Monticello Woods, 6500 Carrsbrook Court, Lee District, Mr. Yeatman moved that the application be denied. The applicant can have a 14 ft. carport or garage by right as long as he stays 40 ft. from the property line. Seconded, Mr. Baker. Carried unanimously.

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NEW CASE:

ALGER CONSTRUCTION COMPANY, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 28 ft. from Dunsinane Ct., Lot 220, Section 2, McLean Hamlet, 8205 Dunsinane Ct., Dranesville District, (R-17 cluster), Map No. 29-2 ((3)) 220, V-866-68

Mr. Roger Sanders, attorney, represented the applicant. The house designated for construction on Lot 220 was known as the Yorktown Style custom house but the contract owner of the house desired that the garage be placed to afford a side entrance rather than a front entrance. Subsequent to the arrangements made for the modification of the homes, Mr. Feldman was called out of the area for a period of time, and the engineer who had originally agreed upon the modification complying with the Ordinance concerning the building restriction line inspected the premises and found that the foreman had started construction and the garage was only 28 ft. from the front property line instead of 30 ft. There was obviously a breakdown in communication because the foreman made the garage wider than it needed to be for a side entrance garage. When the discrepancy was noted the roof was on and the footings were in, the side walls were constructed. This slight discrepancy would not adversely affect any adjoining property owners.

This looks like an honest error, Mr. Yeatman said; it is easy to make a mistake on a curve like this.

No opposition.

In the application of Alger Construction Company, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction to remain 28 ft. from Dunsinane Court, Lot 220, Section 2, McLean Hamlet, 8205 Dunsinane Court, Dranesville District, Mr. Smith moved that the application be approved as applied for as it meets paragraph 4 of the variance section of the Ordinance. This was a mistake after obtaining a building permit. All other provisions of the Ordinance shall be met. Seconded, Mr. Smith. Carried unanimously.

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KENWOOD SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, grades kindergarten thru sixth grade, 45 to 50 children, hours 9 a.m. to 3 p.m., 8316 Ft. Hunt Road, Mt. Vernon District, (R-12.5), Map 102-4 ((1)) 22, S-858-68

(Deferred from April 23 to view the property and for Mrs. Frazer to present pupil list within four blocks of proposed school.)

Mrs. Frazer presented a letter of approval from Mrs. Davies, adjacent property owner, 8614 Fort Hunt Road (Lot 21); also a copy of letter written to Col. and Mrs. Anderson (Lot 6) stating if no objection was received it would be noted as tacit approval. (No communication was received, Mrs. Frazer said.) There was also a copy of an explanatory letter to Mr. and Mrs. Skoug (Lot 7) stating if no objection was received it would be noted as tacit approval --no communication was received from them. In addition she submitted a list of parents who have expressed interest in placing their children in Kenwood School and are on the tentative registration list for the coming year. No applications have been accepted pending the school's ability to continue for next term.

Mrs. Frazer also presented a list of current students from the immediate area requested and to indicate the shift in enrollment since they moved from the Baptist Church on

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Fort Hunt Road she also listed the students from the Fort Hunt Road corridor the previous year when they were located on Fort Hunt Road the first several months of the year.

Mrs. Henderson commented that she had viewed the property and felt that this was a school to serve the locale. This is a completely different kind of operation from a day care center which operates from 7 a.m. to 6 p.m. 12 months a year. This is a 9 month operation from 9 a.m. to 3 p.m. It is closed in the summer. As to the objection that this is a commercial enterprise, she submitted that this is no more commercial than a doctor's office with two doctors and two employees each with traffic coming in and out all day long and this would be permitted by right. She felt that this was a good location for the school.

Mr. Smith's major concern was regarding safety, and the fact that at least three property owners were opposed to it.

This school would not conflict with public school bus traffic, Mr. Richards stated. Public schools would have most of their traffic starting at 8:15 a.m., letting out around 3:15 or 3:30 p.m. This school would run from 9 a.m. to 3 p.m. The children are brought in car pools and there probably would only be ten additional cars per day.

If she cannot have the school in this location, Mrs. Frazer said, this would be the last year for Kenwood School. She has looked for a long time and the time has come when she can no longer look. There are six adjacent property owners in this case. The owner of Lot 5 stated that he objected because his neighbors were opposed. The Andersons have had notice and have not evidenced any objection. Mr. Skoug has not given her any answer. She felt that out of all the adjacent owners, there were only two who objected, one of which was under neighborhood pressure.

Mr. Smith stated that he would like to see correspondence from the military people who are out of the country and have adjoining property.

Mr. Richards noted that Commander Anderson had his children in Mrs. Frazer's school when they were stationed here.

Mr. Reed, Mr. Skoug's father-in-law, presented a letter dated May 11 from Mr. Skoug, which reached him on May 24 by air mail. The letter stated that Mr. Skoug had sent a cable to Mrs. Frazer informing Mrs. Frazer of his objection to the proposed school until he gets full details about it.

In the application of Kenwood School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, kindergarten through sixth grade, 45 to 50 children, hours 9 a.m. to 3 p.m., 8316 Fort Hunt Road, Mt. Vernon District, Mr. Smith moved that the application be denied in view of the opposition from at least three of the adjacent property owners. This school does not appear to be harmonious or in keeping with the residential character of the area. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voting against the motion. She felt this would be a good use for the entire area.

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Mr. Fagelson appeared before the Board regarding the Bradlick Shopping Center. They are hoping to enlarge the existing Dart Drug Store, he said. The first request for site plan showed 105,830 sq. ft. and required 634 parking spaces. They provided 808 spaces. In the second stage of development the Board allowed them to have an enclosed theatre with 600 seat capacity raising the required parking to 772 spaces.

With the proposed addition they would have to add 86 spaces, making a total of 894 spaces. They can put in 858, 50 more than are there now. They are hoping that the Board will agree with them that inasmuch as they can provide 858 spaces this would be satisfactory, Mr. Fagelson said.

Mr. Smith moved that the facility be allowed to expand as long as they can meet parking requirements. They are not creating a new business or a new store -- they are only enlarging a display area. There is a 1-3 ratio on the parking now and he believed this met the Ordinance requirements. Seconded, Mr. Yeatman. Carried unanimously.

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The Board discussed the Roy Rogers House of Beef and decided to view the property before taking any action.

// TUCKAHOE RECREATION CLUB, INC.

Mr. Smith moved that the Board grant a temporary suspension of parking spaces to be developed along with the agreement and site plan waiver from the County, to be completed by opening in 1969. This means that they will have their drainage and parking requirements met by that time and can operate now with a reduced amount of parking -- not less than 211 spaces. Seconded, Mr. Yeatman. Carried unanimously.

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BRANDYWINE TENNIS & RACQUET CLUB - Request to extend normal closing to 12:00 midnight for the purpose of adult nights.

Mr. Smith moved to grant the request in part with permission of the Zoning Administrator to extend closing hours to 11 p.m. for two adult nights; the Zoning Administrator will have to approve this. Seconded, Mr. Yeatman. Carried unanimously.

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The Board will hold one meeting in August -- August 6.

The meeting adjourned at approximately 8:15 P.M.
By Betty Haines

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

June 20, 1968 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, June 11, 1968 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.

EARL A. HANCOCK, JOAN L. HANCOCK & JOHN E. ROACH, JR., & ELEANOR E. ROACH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit for 60 c hildren, maximum and permit kindergarten with day care center, 4616 Ravensworth Road, Annandale District, (R-10), Map No. 71-1 ((1)) Par. 63, S-859-68

Mr. A. L. Brault represented the applicant. This is an application for extension of a permit that was granted in February, limiting the number of children to twenty-five, he said. There were certain conditions imposed in the granting of the permit, one of which was the dedication of land across the front for eventual widening of Ravensworth Road. That dedication has been made. There were many other State and County requirements which had to be met before the school could start operation. The school opened on April 27. In meeting these requirements, the owners of the school found that they were providing facilities that would accommodate many more children than would be permitted by the use permit. Plumbing facilities have been installed to accommodate sixty children. They are installing a commercial kitchen. A circular driveway has been installed and a second entrance to the building has been constructed. A fenced 100 sq. ft. outdoor play area is required for each child; they have fenced an area of slightly more than 9,000 sq. ft. with 42" chain link fence instead of the required 36" fence, to accommodate 90 children. All requirements of the Fire Marshal have been met. The problem has been with regard to the economics of this operation and the operators cannot continue with the limitation of twenty-five children. Mrs. Roach, Director of the School, has twenty-two years teaching experience and a Master's Degree from the University of Delaware. She is a very experienced, qualified teacher.

In checking the telephone directory, Mr. Brault continued, he has found only three other day care centers in this area of Fairfax County. To demonstrate the need for this facility, they presently have applications for another twenty-five children -- ten for the summer and fifteen in September. There would not be any new construction, only inside alterations in order to meet the State requirements.

Mrs. Roach stated that the children in her school are being taught but it is not considered to be bona fide education. Even her cook has a Bachelor's Degree and she helps to substitute. This is not a structured kindergarten. It could be because she has a credited staff, butsshe prefers to be day care. Perhaps the permit should read "ages 2-6", Mrs. Roach suggested, from a technical standpoint.

Mrs. Henderson felt that ages 2-5 should cover it because they are five when they are enrolled.

Mr. Hancock stated that State and County fire officials have inspected the property and in order to utilize the upstairs they will have to put in a central alarm system and fire escape. They do have an alarm system which requires some modification. They will be able to use all floors with a central fire alarm and escape on the second floor. The first floor of the house meets the requirements of being a basement since it is two-thirds underground. The main floor is not ground level and there is an "A-frame" third floor.

No opposition.

A letter from Reverend Harold J. Uhl of the Hope Lutheran Church stated that they have no objections to the application and are "encouraged and delighted with it".

In the application of Earl A. Hancock, Joan L. Hancock & John E. Roach, Jr. and Eleanor E. Roach, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit for 60 children, maximum and permit kindergarten with day care center, 4616 Ravensworth Road, Annandale District, Mr. Smith moved that the application be approved as applied for in conformity with the original use permit granted February 27, 1968. All conditions set forth in the original motion would still pertain. The applicants will still have to meet the State and County Fire and Health standards in order to reach a maximum of 60 children in the age group as set forth in the original granting. Seconded, Mr. Barnes. Carried unanimously.

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H. D. HALL, (TEXACO STATION), application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Rt. 236, approximately 125 ft. west of Prosperity Avenue, Providence District, (C-N), Map No. 59-3 ((1)) Par. 8, S-850-68

Mr. John Aylor represented the applicant.

June 11, 1968

H. D. HALL (Texaco Station) - Ctd.

The property was originally zoned to a commercial category in 1957, Mr. Aylor said. The proposed service station will replace the existing store. The need for a station is not listed among the four standards of Section 30-7.1.2 but Mr. Aylor said he thought it would be germane to this discussion to indicate that within a 2 1/2 mile radius there is only one station going from the Beltway to Fairfax City, and two stations on the east side of the Beltway. As of January 1966 within that 2 1/2 mile area, the population was 27,050 with 7,750 homes within this circumference. There was a traffic count of 26,500 automobiles per day. They do not anticipate any problems of water, sewer or drainage. They are not asking for any variances. They plan to construct a colonial type structure which would be more pleasing to the eye than the Humble station which already exists. It will be a three bay brick structure and the existing building on the property will be removed. This would have the same type of sign as on the Annandale service station, a soft-lighted hexagonal type sign. Mr. Hall also has an option on the property to the north and east and is negotiating with Grand Union and Safeway for a food store.

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No opposition.

In the application of H. D. Hall, (Texaco Station), application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Route 236 approximately 125 ft. west of Prosperity Avenue, Providence District, Mr. Smith moved that the application be approved for service station uses only, for a three bay service station, Colonial style, approved as applied for with canopy, that there be one freestanding sign as outlined in the application; the applicant shall dedicate an area required for median and service drive with sidewalks, 67 feet from center line of west bound lane of #236. All other provisions of the Ordinance, State and County, applicable to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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WILLS & VAN METRE, INC., application under Section 30-6.6 of the Ordinance, to permit division of lot with less width at the building restriction line, proposed Lot 47A, Section 7, Hayfield, on Berwick Court, Lee District, (R-12.5), Map No. 91-4 ((4)) 47, V-851-68

Mr. John Aylor stated that the four lots along Telegraph Road were in Section I of Hayfield. Subsequent to that Section II was dedicated and at the time the lots were recorded they were not cluster. Since that time Wills & Van Metre have developed Sections 3, 4, 5 and 6 -- 6 was cluster. They now propose to develop Section 7 which is the remainder of the undeveloped land on Telegraph Road. The engineers have recommended that for safety and welfare of the people who would be living on these four lots that they not face on Telegraph Road but that a cul-de-sac be constructed. There is an existing house to the left of the proposed cul-de-sac and they cannot put the cul-de-sac any closer to the existing house and comply with the Ordinance; neither can they purchase enough land to extend the lot. The applicants would not be gaining a lot by this request but would be losing a lot in the interests of eliminating the entrances to these four lots from Telegraph Road.

At the setback line they do not have 95 ft. of frontage, Mr. Aylor continued, so they propose to extend the building restriction line up 64 ft. from Berwick Court with the house facing the cul-de-sac.

Where does the Ordinance state it must be 95 ft. in R-12.5 zoning, Mrs. Henderson asked?

Mr. Chilton indicated that it was administrative practice in the case of cluster development, Mr. Aylor replied. The Code is silent; it does not say anything about a corner lot in cluster zoning.

In all of the single family residential zones the widths are based upon the area, Mr. Knowlton explained. In the case of cluster zoning they have cut down by one-half the amount the area required for a lot. If in doing this they required the frontage on corner lots, it would be twice the size and would result in practically an unbuildable lot. For this reason it has been the policy of the office that corner lots could have the required widths of one zone less.

Mr. Wills stated that having twenty-five driveways on Telegraph Road would not be good planning.

Representative from Hayfield Farms Citizens Association said that he was not present in opposition but needed more information about the proposal. For one thing, they felt that the proposal was premature.

Mrs. Henderson pointed out that this application was the logical first step before drawing the final plans to present to the Staff. He must have a variance before submitting the final plat, she said. How big is the house? Could the house be turned around on the lot and meet the setbacks, she asked?

Mr. Wills said the house would be a split foyer with a plantation front. It could be turned some or the front could be removed. In order to meet the setbacks they would have to put up a smaller house.

The only possible effects the placement of this house would have would be on Lots 40 and 41, Mr. Smith said, and these people should say where they want the house placed.

The Board discussed this at length with Mr. Snyder, owner of Lot 40. Mrs. Ives, owner of the other lot, was more concerned about the placement of the house on the corner lot facing Telegraph Road next to her house. Mr. Snyder stated that he would rather have the corner of the proposed house closer to him than to have it back to back with his house. He would rather see the house angled on the lot.

In the application of Wills & Van Metre, Inc., application under Section 30-6.6 of the Ordinance, to permit division of lot with less width at the building restriction line, proposed lot 47A, Section 7, Hayfield, on Berwick Court, Lee District, Mr. Smith moved that the application be approved and that the house be constructed at the building restriction line an Berwick Court and no closer than 8 ft. to Lot 40. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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LES L. HUMMER, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 25 ft. from Tilbury Road, Lot 11-B, Franconia Hills, 6179 Cobbs Road, Lee District, (R-12.5), Map No. 81-3 ((4)) 11B, V-852-68

Mr. Hummer stated that he was doing the work himself and was digging footings and laying cinderblock when the Zoning Inspector came along and informed him that he needed a permit.

What kind of road is Tilbury Road, Mrs. Henderson asked?

It is a dead end dirt road, Mr. Hummer replied.

How many houses are on Tilbury Road, Mrs. Henderson asked?

Mr. Hummer said there were five. He has owned this house for about eight months.

Mrs. Taylor from the Zoning Office stated that when she approved the permit the addition was not shown, only the garage. The recreation addition was not drawn on the plat at the time it was approved.

Does Tilbury Road go back to undeveloped property, Mrs. Henderson asked?

The road runs back apparently 20 ft. wide all the way. There are seven lots with no other frontage, Mr. Knowlton stated. From Cobbs Road down about 500 ft. it could not be vacated. Tilbury Road does not provide major access to adjoining property. Neither adjacent subdivision uses it.

Mr. Smith informed Mr. Hummer that he would have to notify the inspector so that he could get inspections made. This is an unusual situation as far as the road is concerned. It is actually only an outlet road which appears to be 20 ft. in width and would not be acceptable under State standards.

No opposition.

In the application of Les L. Hummer, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 25 ft. fromTilbury Road, Lot 11B, Franconia Hills, 6179 Cobbs Road, Lee District, Mr. Smith moved that the application be approved. It is understood that the applicant will have all present construction or under construction approved by the Building Inspector's office and acquire an occupancy permit within a period of six months from date. If this is complied with, the variance will be granted as requested. This is granted to the present owner and occupant only. All other provisions of the Ordinance applicable to this application shall be met. There have been several errors in this matter and certainly the Zoning Office had no part in this error. The Board is giving the applicant the benefit of the doubt and considering the unusual situation of Tilbury Road. Seconded, Mr. Yeatman. Carried 4-1, Mrs. Henderson voted against the motion -- if adequate information had been given to the Zoning Office at the time he applied for the building permit, he would not have been so far along in construction and this could have been removed without the need for a variance.

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JOSEPH D. KLUNDER, application under Section 30-6.6 of the Ordinance, to permit carport to remain 6 ft. from side property line, Lot 8, Section 17, Hollin Hills, 2410 Nemeth Ct., Mt. Vernon District, (R-17), Map No. 93-3 ((12)) 8, V-855-68

Mr. Klunder stated that he had a verbal contract with a carpenter for construction of the carport in 1965 and he did not know he needed a permit. He came in later with an application for a building permit for a shed and it was discovered that the carport was in violation. This carport has redwood beams and a plastic or fiberglass top.

No opposition.

June 11, 1968

JOSEPH D. KLUNDER - Ctd.

Mr. Smith moved that the application be deferred for approximately six weeks for the applicant to have this construction inspected or approved by the building inspector's office. As soon as something is submitted to the Zoning Administrator, the Board can make a decision. Seconded, Mr. Yeatman. Carried unanimously.

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CHARLES Z. KAUFMAN, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.5 ft. from rear property line, Lot 256, Section 4, Pohick Estates, 7601 McCloud Court, Lee District, (R-12.5), Map No. 108, V-856-68

Mr. Kaufman stated that he had his surveyor stake out the house and when he came back to make the wall check, he found that the overhang was too close. This is a dining room projection on the first floor. The error came about when he reversed the house. The driveway was on the right side and the house was reversed to make the entrance closer to the driveway. He has built about six hundred houses in the County and this is the first time he has ever had to request a variance on a constructed house.

No opposition.

In the application of Charles Z. Kaufman, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.5 ft. from rear property line, Lot 256, Section 4, Pohick Estates, 7601 McCloud Court, Lee District, Mr. Smith moved that the application be granted as applied for. This is the case where the builder changed the house after the engineer had staked it out. The part in violation is cantilevered 1.8 ft. section of the house. This application meets paragraph 4 of the variance section of the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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J. MORRISON SMITH, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30 ft. from street property line, proposed Lot 2, J. Morrison Smith property, 1127 Crest Lane, Dranesville District, (RE-1), Map No. 22-4 ((1)) Par. 18B, V-857-68

Mr. J. Morrison Smith explained that he wished to deed Lot 2 to his son for building a house. He asked to be allowed a variance from the 50 ft. requirement from Crest Lane in order to locate the house out of the hollow on the lot. Crest Lane is maintained by the Park Service. It was put in as an access road when the George Washington Parkway was put through. Crest Lane dead ends at the Downs property and at this point is fairly deep cut. The house would not be visible to traffic on Crest Lane.

No opposition.

There are three houses now facing on Crest Lane, Mr. Smith added, and two are closer than 50 ft. so this would not set a precedent.

In the application of J. Morrison Smith, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30 ft. from street property line, proposed Lot 2, J. Morrison Smith property, 1127 Crest Lane, Dranesville District, Mr. Dan Smith moved that the application be approved as applied for due to topographic conditions on this one acre lot removed from the larger parcel which has been under the present family ownership for many years and the only use is for themselves and their immediate family. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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NOAH L. DOVE, application under Section 30-7.2.9.1.7.1 of the Ordinance, to permit existing dwelling built around 1925 to be used as a real estate office, 2580 Chain Bridge Road, Centreville District, Map No. 38-3 ((1)) Par. 50, S-861-68

Mrs. Henderson pointed out that the applicant would have to have three-fourths of an acre before he could have this use and he only has 12,000 sq. ft. This is a specific requirement of the Ordinance and the Board cannot vary specific requirements.

The Board agreed that the proper procedure would be for Mr. Dove to seek a change of zoning on the property.

Mr. Smith moved that the applicant be allowed to withdraw without prejudice and he is not to file again for one year. He should apply for a change of zoning. Seconded, Mr. Yeatman. Carried unanimously.

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The application of HUMBLE OIL & REFINING CO., application under Section 30-6.6 of the Ordinance, to permit building 40 ft. from side property line and permit pump islands 22 ft. from Old Dominion Drive right of way line, NW corner of Old Dominion Drive and Springhill Road, Dranesville District, was withdrawn at the applicant's request, with prejudice.

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June 11, 1968

DOUBLE J CHRISTIAN SUMMER DAY CAMP - Mr. Smith moved that the application be extended at the applicant's request to include from June 19 to Labor Day 1968 with the understanding that if there is an additional use or if the use is sought for the summer of 1969 the applicant must make formal application before commencing camp for the summer. All provisions of the original granting must be met. Seconded, Mr. Barnes. Carried unanimously.

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NORTHERN VIRGINIA MUSIC CENTER OF RESTON - Mrs. Henderson read a letter from Mr. Kenneth L. Bonner regarding the proposed music camp at Reston this year. "The Board of Directors of the Northern Virginia Music Center at Reston, upon investigating various possibilities for housing the students attending the camp, propose that the students be housed in four air conditioned office type trailers. The trailers, which have no partitions inside will have two doors. They will be 10 ft. wide and 46 ft. long, and house 15 students each in double bunks. The trailers will be located in the vicinity of the tent platforms which were used last year. The only utility run to the trailers will be electricity. The students will be using the same toilets and bathhouse facilities that were used last year. We feel that the trailers will afford greater safety for both the students and their musical instruments. There will be two additional trailers. One house trailer for the Camp Director and his wife, and one small office trailer for use as an infirmary."

Mr. Smith moved to extend the temporary use permit for Northern Virginia Music Center at Reston, to allow housing of students in trailers rather than tents as was indicated last year. Parking facilities will remain at 600 cars. This permit will run from June 20 to September 1, 1968 and the Health Department shall inspect the trailers. The Fire Marshal and Building Inspector shall also approve or inspect and comment on these trailers for housing the students. This is a temporary use and trailers would have to be removed no later than September 15, 1968. It is understood that this permit does not constitute a mobile home park or living quarters -- it is only for temporary housing of students attending the camp. It is not meant to intend in any way that this is a permanent arrangement for housing. Seconded, Mr. Yeatman. Carried unanimously.

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HUMBLE OIL & REFINING CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station and permit building 15 ft. from side property line, NE corner of Route 123 and Zion Drive, Springfield District, (C-N), Map No. 68-3 ((1)) Par. 7, S-863-68

Mr. Hansbarger represented the applicant. In 1946 a permit was granted in this location for a repair garage and service station. Over the years there has been more of a repair garage use made of the land than service station use. Humble has a contract to buy the land contingent upon obtaining necessary permits. This is almost an acre of ground. All of this would be subject to use permit. The County in widening of Ox Road is going to want approximately 65 ft. off the front dedication, including widening of the road, curb, gutter, sidewalks, etc. and they would be required to dedicate an additional 15 ft. along Zion Road. Just east of Country Club View the road has been widened and sidewalks are in. This would tie in with those improvements. In order to put a three bay ranch type station on the site and because of requirements of additional dedication they have had to turn the station around fronting Zion Road rather than Ox Road and in order to get enough space between the pump islands and the service station they have had to move the building back on the narrow part of the lot. The existing building is non-conforming as to setbacks. The land was rezoned by the Board of Supervisors with the understanding that the facility would be torn down and a new facility built. The entire parcel is zoned C-N. The parcel is large enough to be usable for something other than a service station but they have made the entire tract subject to the use permit. The Mallam property adjoining this land is zoned Residential. The application for change of zoning to C-N was denied April 1968.

Mr. Richard Stowe, Vice President of Country Club View Citizens Association, spoke in opposition to the variance as he felt that it represented maximizing of commercial use of the property. They felt that the service station could adequately service the area within the constraints of C-N zoning. 15 ft. from the property line is a tremendous amount of pressure on future rezoning of the adjacent property, Mr. Stowe said. He hoped that it could be rearranged so that the station can be built without the variance and without the additional tendency to commercialize adjacent areas.

Mr. Smith pointed out that if the station were cut down to a two-bay station another business could also be put on the property. They are using almost double the amount of land required for this facility rather than splitting this up and putting in two businesses.

They welcome Humble Oil, Mr. Stowe said, but they object to the pressure which would be subjected to other properties in the area.

Mrs. Henderson explained that with the dedication that will be required from them, that means that 14,000 sq. ft. will be dedicated for highway improvements.

Mr. Mallam, adjacent property owner, spoke in favor of the application. He said he would go along with a variance up to his property line, if necessary; he has been looking at this other building for seven years.

JUNE 11, 1968

HUMBLE OIL COMPANY - Ctd.

Mr. Hansbarger stated that there would be one 10 sq. ft. oval sign on the corner.

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In the application of Humble Oil & Refining Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station and permit building 15 ft. from side property line, northeast corner of Route 123 and Zion Drive, Springfield District, Mr. Smith moved that the application be granted for a three bay ranch type service station; to permit building 25 ft. from side property line; that there be only one freestanding sign not more than 10 sq. ft. on the property, that all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

Since there was some question as to whether or not the Staff recommendation was included in the motion, Mr. Smith amended the motion to include the Staff recommendation. This does require a site plan and it is recommended that the applicant dedicate to 83 ft. from center line of Ox Road and 30 ft. from center line of Zion Drive. Both roads are now 30 ft. rights of way. Seconded, Mr. Barnes. Carried unanimously.

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TEXACO, INC., application under Section 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection of canopy 20.5 ft. from Keene Mill Road travel lane and relocation of pump islands in connection with modernization of station, 8315 Keene Mill Rd., Springfield District, (C-D), Map No. 79-3 ((1)) Par. 4, S-867-68

Mr. William Hawke requested approval of a variance as part of a partial rehabilitation of the existing service station facilities in this location. The station has been in existence for approximately seven years and is of Colonial design. They are prepared to spend $20,000 in upgrading the facility by way of modernizing the pump island layout, indirect lighting to the building structure and addition of certain driveway improvements, with a freestanding canopy over the pump islands. The canopy will be a combination of wood and shingle hip roof and will blend in with the design of the service station.

No opposition.

In the application of Texaco, Inc., application under Section 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection of canopy 20.5 ft. from Keene Mill Road travel lane and relocation of pump islands in connection with modernization of station, 8315 Keene Mill Road, Springfield District, Mr. Smith moved that the application be approved to allow the applicant to modernize and renovate the existing service station with the canopy as outlined; all conditions of the original permit granting this use shall continue and in addition to this, Texaco will continue to modernize the facility in the way of indirect lighting and no more signs than are presently on the property. All other provisions of the Ordinance applicable shall be met. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed signs for three stores within the mall at Loehmann's Plaza. The Board will view the shopping center and discuss this again on June 25.

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The meeting adjourned at 3:40 P.M.
By Betty Haines

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

July 18, 1968 Date

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The Board of Zoning Appeals held a special meeting on Tuesday, June 18, 1968 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. Barnes. Mr. Smith arrived late.

S.C.H. ASSOCIATES, application under Section 30-6.6 and 30-3.2.1.1 of the Ordinance, to permit access from Mt. Vernon Highway through residentially zoned property to proposed shopping facilities, U. S. Route 1 and Mt. Vernon Highway, Mt. Vernon District, (R-17 and C-G), Map No. 101-4 ((1)) 16, 18 and 19, V-860-68

Mr. Hazel requested deferral of the application in order that a technical question in connection with the case might be resolved.

Mrs. Henderson noted that the Planning Commission recommendation was for deferral for thirty days.

Mr. Hazel stated that he hoped to solve the problems in connection with this sooner than thirty days, therefore, Mr. Barnes moved to defer to July 9. Seconded, Mr. Yeatman. Carried unanimously. (4-0, Mr. Smith not yet present.)

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Mr. Smith came in.

JAMES R. AND SHIRLEY W. BOYETT, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit to allow kindergarten through sixth grade, 100 additional students, 12 month operation, 5100 Thackery Court, Springfield District, (RE-1), Map No. 69-3 ((1)) 6, S-873-68

Mr. Boyett stated that the entire eight acres is tied up in the use permit for the school. He would like to cut off 1.40863 acres for the house, for mortgage purposes. They plan to build an 80 ft. ranch style house, the front of which opens out onto ground level, and the lower level will be used for the school. They will live in the upper part of the house. They would like to increase the enrollment to 160 students at any one time. They are not asking to decrease the amount of property involved in the school; the land is simply being described as two parcels rather than one.

Mrs. Boyett added that they wished to have a twelve month operation in order to have summer school and possibly day camp in the years to come, but nothing is planned for this summer.

This should be left open until the summer plans have been formulated, Mr. Smith suggested. The Board cannot grant a permit for summer activities until they have been organized. Are there any intentions of disposing of either parcel, he asked?

Mr. Boyett said they had no such intentions.

Is Thackery Court being used for access, Mr. Smith asked?

Yes, Mr. Boyett replied, they have sold the 25 ft. access strip.

Have you considered the possibility of putting sidewalks along the entrance for the children who would walk to school, Mrs. Henderson asked?

There has been no need up to this point, Mrs. Boyett replied; there have been no problems.

Mr. Yeatman agreed with the Staff report that there was need for a sidewalk and it should be provided now. How far along is construction of the house, he asked?

The engineer is supposed to be out today to set the corners of the house, Mr. Boyett stated.

Mrs. Henderson advised him to discuss this with Mr. Knowlton before proceeding any further with the building.

Would it be possible to put in an asphalt walk like the public schools have, Mrs. Boyett asked? It would help them financially.

There would be no objection, Mr. Knowlton replied, but they do require more maintenance. The Staff report could be changed to read "4 ft. sidewalk".

Mrs. Boyett stated that the school has purchased a 59 passenger bus which will bring most of the children to school.

No opposition.

In the application of James R. and Shirley W. Boyett, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit to allow kindergarten through sixth grade, 100 additional students, 12 month operation, 5100 Thackery Court, Springfield District, Mr. Smith moved that the application be approved for a total of 160

students at any one time on the entire parcel of land. This is for 12 month operation, granted for the school only -- no summer day camp facilities. This is for five days a week, hours of operation flexible so as not to conflict with public school bus traffic in the area, if possible, with sixteen parking spaces provided as shown on the plat presented to the Board at the previous hearing, plus two additional parking spaces and a space for the bus. All parking related to the school should be within the parking area as laid out. Play area must be fenced and all provisions of the Fire Marshal and Health Department must be met. The proposed new building will include the residence of the owners and operators of the school and will be placed on 1.63 acres of land on that property near Thackery Court. This is removed from the larger parcel of 7.8 acres of land. All of the land mentioned is covered under the school use for school purposes as one operation. Also, a 4 ft. sidewalk shall be constructed as recommended by the staff from Thackery Court along the west side of the entrance to the school building itself. All other provisions of the original permit and all provisions of the Ordinance pertaining to this particular application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MODERN TRUCK RENTAL, INC., application under Section 30-7.2.10.5.4 of the Ordinance, to allow parking and rental of trucks, property adjacent to 8130 Richmond Highway, Lot 2, Block 2, Rolling Hills, Lee District, (C-G), Map No. 101-2 ((5)) (2) 2, S-865-68

Mr. George Stone stated that he has operated a truck rental agency in the County at 2600 Huntington Avenue for the last five years. Last October he sold this property to the International Harvester Company and moved to this address. This property is alongside of a service station. They wish to use this land for parking their vehicles and renting trucks. They have all sizes of trucks, not exceeding the 1600 International. They do not sell them. They service their lease trucks in the service garage at 8130 Richmond Highway, adjoining this property. Maximum storage would be twenty trucks. This is strictly a local operation -- all leased trucks would be returned to this property.

The parking is shown closer than 50 ft. to the highway, Mrs. Henderson said, and should be moved back to meet the setback. This means that they will lose six spaces.

Mr. Smith asked Mr. Stone if they had a site plan when the facility was constructed.

They bought it already constructed, Mr. Stone said.

Mr. Knowlton stated that he believed it was constructed prior to site plan ordinance. The parking area should have a dustless surface, he said.

No opposition.

In the application of Modern Truck Rental, Inc., application under Section 30-7.2.10.5.4 of the Ordinance, to allow parking and rental of trucks, property adjacent to 8130 Richmond Highway, Lot 2, Block 2, Rolling Hills, Lee District, Mr. Smith moved that the application be approved with the following conditions -- that screening be required across the rear of the property abutting the Residential district; that there be no servicing of vehicles within 50 ft. of the rear property line; no storage or display of vehicles permitted within 50 ft. of the front property line; that the applicant dedicate 98 ft. from the center line of Richmond Highway for the required service drive, etc. as recommended by the Staff. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM H. HOLLAND, application under Section 30-6.6 of the Ordinance, to permit open carport to be enclosed 9.1 ft. from side property line, Lot 501, Block 2, First Addition to Temple View, 2508 Fleming Street, Mt. Vernon District, (R-10), Map No. 93-1, ((9)) (2) 501, V-864-68

Mr. Holland stated that he wished to enclose the existing carport for a room. He has lived in the house for approximately one year. The house is approximately fifteen years old. The carport has been used as a screened porch.

No opposition.

In the application of William H. Holland, application under Section 30-6.6 of the Ordinance, to permit open carport to be enclosed 9.1 ft. from side property line, Lot 501, Block 2, First Addition to Temple View, 2508 Fleming Street, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for. This is an older house, approximately fifteen years old. The carport has been used as a screened porch prior to this man's ownership of the land. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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CHARLOTTE G. MOULTON, application under Sec. 30-6.6 of the Ordinance, to permit addition 5 ft. from side property line, Lot 18, Section 2, Westmoreland Heights, 6547 Orland St., Dranesville District, (R-10), Map No. 40-2 ((18)) (2) 18, V-869-68

Miss Moulton stated that she bought the house in 1955; it was three years old then. Her mother lives with her and they would like to put an addition on the kitchen side and will move the kitchen appliances into it, using the existing kitchen as a dining room. It would not be convenient to put an addition in the rear of the house, as the bedrooms are in that area.

The only justification she could see for the variance, Mrs. Henderson said, is that the lot is 5 ft. narrower than would be required today for this zoning category. If the applicant had the extra 5 ft. there would be no problem.

No opposition.

In the application of Charlotte G. Moulton, application under Section 30-6.6 of the Ordinance, to permit addition 5 ft. from side property line, Lot 18, Section 2, Westmoreland Heights, 6547 Orland Street, Dranesville District, Mr. Smith moved that the application be approved as applied for. The applicant has owned the house for a number of years. This is for expansion of kitchen and dining facilities in this very small house. The lot is 5 ft. narrower than would be required today for this zoning category. The proposed addition is to enlarge the kitchen and dining area and not for additional bedroom space in the house. All other provisions of the Ordinance are to be met. Seconded, Mr. Barnes. Carried unanimously.

// ****LEVITT & SONS - See Page 137.

C. E. REEVES, application under Section 30-7.2.6.1.2 of the Ordinance, to permit beauty parlor as home occupation, Lots 5 & 6, Blk. 2, Rolling Hills, (Janna Lee Avenue and Rolling Hills Avenue), Lee District, (R-12.5), Map No. 101-2 ((5)) (2) 5 & 6, S-868-68

Mr. Hunter Bourne represented the contract purchasers and the owner of the property. There is a contract for the sale of Lots 5 & 6 backing up to the Phillips service station on the corner, he explained. There is a house existing on the property with a structure on the back part of the lot and the Building Inspector's office will allow this to become one structure by joining them with an enclosed breezeway. The beauty operation would be in the small structure that is now on the back of the lot. Since the rear structure is too close to the lot line when considered as a residence, they are having to resubdivide the two lots into 5A and 6A as shown on the proposed resubdivision plat. Mr. Reeves now owns the land and the contract purchasers are Mr. and Mrs. Roodbarry.

Mr. Smith moved that the application be amended to read Yusef & Fakrosadat Roodbarry since Mrs. Roodbarry would be the operator.

Mr. Roodbarry stated that his wife wished to have a home occupation because she does not drive. This would allow her to do the work in her home and care for their three children at home. She would work from 9 a.m. to 6 p.m., six days a week. There would be no Sunday operation.

Mr. Smith pointed out that the line on Lot 6A would have to be moved to get parking 25 ft. from the side line of Lot 5A. Perhaps the Board could grant a use permit and have the applicant resubmit a proposal showing setbacks and parking for autos on Lot 6A, eliminating 5A entirely from this proposed use. No occupancy permit should be issued until this is recorded and resubmitted to the office.

No opposition.

In the application of Yusef H. Roodbarry and Fakrosadat Roodbarry, application under Section 30-7.2.6.1.2 of the Ordinance, to permit beauty parlor as home occupation, Lots 5 & 6, Block 2, Rolling Hills, (Janna Lee Avenue & Rolling Hills Avenue), Lee District, Mr. Smith moved that the application be approved for the use, that the applicants be granted a use permit for a beauty parlor as a home occupation under the following conditions; that prior to occupancy the applicants will furnish through the Zoning Administrator to the Board of Zoning Appeals a replotted plat from a certified surveyor showing at least two parking spaces within the required setback area, that the applicant be required to dedicate in compliance with Staff recommendation -- dedication of 40 ft. from Janne Lee Avenue for half of the proposed 80 ft. right of way, and that the applicant be required to pay his pro-rata share of road development at the time road development takes place. This is granted to the applicant's wife only and she is the only one engaged in the operation of the beauty parlor. All other provisions of State and County Health Codes and the Zoning Ordinance pertaining to this application shall be met. By the time the occupancy permit is issued this will be recorded and the line moved so that this will only be on Lot 6A. Seconded, Mr. Barnes. Carried 4-0, Mr. Baker abstaining.

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THOMAS A. CARY, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community swimming pool and bath house, north side of Hadlow Drive opposite Danford Drive, Section 5, Rolling Valley, Springfield District, (R-12.5), Map No. 89-3, S-874-68

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THOMAS A. CARY, INC. - Ctd.

Mr. John T. Hazel, Jr. represented the applicant. This site was selected by Mr. Carey for the swimming pool for the Rolling Valley Subdivision. There are about 295 lots on the east side of Pohick Creek which are all developed, Mr. Hazel stated. Section IV is occupied; Section V is under construction; Section VI is approved and in the pre-recording stage right now. The pool site is depicted now for reasons based on experience. They wanted to get the pool in before the subdivision is developed, so that people moving into the houses will know what is planned for the area. There is a park area conveyance planned with total park of approximately 100 acres. This is all cluster development. There is a County impoundment that will back up to this. It is proposed that the 2 1/2 acre site will be conveyed to a homeowners pool citizens association and this will not have anything to do with the Park Authority. They propose a 300 member pool almost identical to the pool in Brookfield. There will be a bath house, wading pool and related facilities. With the interior location of the pool it is hoped that there will be some inclination of the citizens to walk to the pool and not as much vehicular traveling. There will be screening along the residential area and fencing around the pool facilities.

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Mr. Smith commented that the proposed 104 parking spaces meet the 1-3 ratio. He felt that this was an excellent plan.

No opposition.

In the application of Thomas A. Cary, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool and bath house, north side of Hadlow Drive opposite Danford Drive, Section 5, Rolling Valley, Springfield District, Mr. Smith moved that the application be granted as applied for, with parking provided for 104 cars and maximum family membership of 300. Approved for the convenience and recreation of the citizens in the surrounding area and will be ultimately deeded to a non-profit citizens organization, under their control and operation, for the benefit of the citizens living in the immediate vicinity. Seconded, Mr. Barnes. Carried unanimously.

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WILLIS L. FAIRBANKS, application under Section 30-6.6 of the Ordinance, to permit erection of carport 35.1 ft. from street property line, Lot 5, Section 5, West Lewinsville Heights, 1740 Great Falls Street, Dranesville District, (R-12.5), Map No. 30-3 ((17)) 5, V-871-68

Col. Fairbanks stated that he wished to put a carport on the house to enhance the appearance and improve the neighborhood. He has tried to set the posts back as far as possible but he has no alternative but to request a variance. The house was one year old when he purchased it in 1963.

Why couldn't the carport be put in the rear behind the house, Mrs. Henderson asked?

Because of the turning angle, Col. Fairbanks replied. At least two-thirds or more of the houses in the subdivision have carports and garages.

No opposition.

In the application of Willis L. Fairbanks, application under Section 30-6.6 of the Ordinance, to permit erection of carport 35.1 ft. from street property line, Lot 5, Section 5, West Lewinsville Heights, 1740 Great Falls Street, Dranesville District, Mr. Smith moved that the application be approved as applied for. The house is situated in such a way on the lot that it almost restricts construction to the existing dwelling. This is a very unusual situation and this is a corner lot. There is nothing to indicate that this would restrict sight distance on Great Falls Street or Tyndale Street and would not adversely affect adjoining property. A great majority of the homes in this development do have carports. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt that the variance could be reduced or obliterated if the structure were moved back to pick up extra 5 ft. on the side.

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WILLIAM F. & WANDA L. BOLT, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 30.8 ft. from street property line, Lot 160, Section 3, Tyler Park, 2903 Harrison Road, Providence District, (R-10), Map No. 50-3, ((9)) 160, V-872-68

They bought the house in October 1965, Mr. Bolt stated, and approximately a month later discovered termites had eaten much of the addition. In order to build the house back like it is would cost approximately $2500 and they feel that if they must invest this much money, they should have a two way entrance to the dining room. Now they have to go through the kitchen to get to the dining room.

Mrs. Henderson suggested putting the addition on the other side.

There is a window in the gable, Mr. Bolt stated, and the addition would have to have a flat roof. The house was constructed in 1947. There are other houses with additions closer to the road than this.

Mrs. Bolt explained the reason for not wanting the addition on the other side. This is

WILLIAM F. & WANDA L. BOLT - Ctd.

the only place the children have to play. There would be no back yard if the addition were put there.

No opposition.

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In the application of William F. and Wanda L. Bolt, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 30.8 ft. from street property line, Lot 160, Section 3, Tyler Park, 2903 Harrison Road, Providence District, Mr. Smith moved that the application be approved as applied for. The proposed addition would be compatible with and in harmony with the adjacent construction and construction in general for this area. There is need to improve the present dwelling of the present owner for his own use. All other provisions of the Ordinance pertaining to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

SHELL OIL COMPANY, application under Section 30-6.6 and 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station and permit building 30 ft. from side property line, 8015 Lorton Road, Lee District, (C-N), Map No. 107 ((1)) parcels 78A and part 78, S-804-68 (deferred from March 26 for rezoning)

The small piece of property to the east has been advertised by the Planning Commission on its own motion for rezoning to C-N. On April 18 the Planning Commission recommended that rezoning unanimously. ~~It has not yet been heard by~~ The Board of Supervisors. ~~Granted rezoning on May 28, 1968~~ They are asking for a use permit for a three bay ranch stucco station replacing a two bay Gulf station. No variances are required. The station will be on septic field. Public water is available, Mr. Hansbarger stated.

No opposition.

In the application of Shell Oil Company, application under Section 30-6.6 and 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station and permit building 30 ft. from side property line, 8015 Lorton Road, Lee District, Mr. Smith moved that the application be approved as applied for. This is an unusual situation where the adjoining land is still in the residential category but has been recommended for commercial use by the Planning Commission. All other provisions of the Ordinance pertaining to the application shall be met. This motion includes the Staff recommendation. All necessary road widening has been acquired along Lorton Road but the applicant shall dedicate 10 ft. along Route 600. This is for a three bay ranch type station. Granted for service station uses only. Seconded, Mr. Barnes. Carried unanimously.

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SAMUEL L. TROOBNICK, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of a dance hall on second floor of building, Lots 1 & 2, Block 2, Fairview, 6416 Richmond Hwy., Lee District, (C-G), Map No. 83-3 ((5)) (2) 1 & 2, S-854-68 (Deferred from May 28 to view.)

After viewing the property, Mrs. Henderson said she was inclined to try a temporary permit to see how this would work out, but perhaps with some limitation on any use of music.

Mr. Hansbarger stated that the effect of this operation would not be as great as it was when the Fire Department had it. Mr. Troobnick has rented more parking spaces.

Under site plan requirements how could the applicant provide any parking on the C-G property if he meets the setback requirements, Mr. Smith asked?

The Board of Supervisors waived these requirements on June 22, 1967, Mr. Hansbarger said.

They did not waive the site plan for a dance hall, Mr. Smith said. They did apparently for the existing business. Mr. Troobnick bought the property realizing that he was restricted to a day time operation to a great degree. Secondly, he said he did not believe that Mr. Troobnick's operation could be compared with that of a fire department, which is purely a voluntary setup where the entire community benefits from Bingo games and dances. Denial of Mr. Troobnick's application would not deny him the normal use of his established business.

It was in the community interests that they were able to sell off a building that is non-conforming as to setback and had very limited uses, Mr. Hansbarger said. Mr. Troobnick took a white elephant off the Fire Department's hands and the County will be collecting about $1700 in taxes on this building that they did not collect before.

How long is the lease which Mr. Troobnick has on the dry cleaner's parking lot, Mr. Baker asked?

It is for five years with a five year option, Mr. Hansbarger replied. This use is established and the applicant can continue this use with what little parking is there.

Mr. Yeatman disagreed -- this is a different use altogether.

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The use has certainly ceased for a period of six months, Mrs. Henderson said. It has been more than six months since the Fire Department was there.

Would Mr. Woodson issue an occupancy permit to Mr. Troobnick for any of the proposed activities which did not include music or dance hall, Mr. Hansbarger asked?

Mr. Woodson stated that he would issue a permit for anything allowed in C-G as long as he has site plan approval.

Mr. Hansbarger requested that he be allowed to withdraw the application.

Mr. Smith moved that the application be allowed to be withdrawn with prejudice. Seconded, Mr. Yeatman. Carried 4-0, Mr. Barnes out of the room.

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ROY ROGERS HOUSE OF BEEF - The Board had discussed this at an earlier meeting.

Mr. Smith felt that they were utilizing the setback area for serving area and display purpose. Where in the Ordinance is any operator allowed a so-called sidewalk operation, he asked?

Mr. Yeatman said he considered it to be more decorative. They have not put the tables outside yet.

If this is allowed every carry-out place in the county will want to do this, Mr. Smith said.

There was some talk about this being a retaining wall, Mrs. Henderson stated, but it seems that it is right in the middle of the service drive and she thought this was the most telling factor.

Mr. Smith moved that the Board uphold the Zoning Administrator's decision in the matter before the Board. There is no precedent for allowing the display or seating of customers in the area required for setback. The County does not have a sidewalk cafe provisions in the Ordinance to allow this. The Zoning Administrator was correct in his interpretation of the Ordinance. Seconded, Mr. Baker.

Mrs. Henderson stated that this does not conform to Section 30-3.4.10 of the Ordinance.

Mr. Smith moved to include that section of the Ordinance in his motion. Seconded, Mr. Barnes. Carried unanimously.

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A gentleman who did not identify himself discussed property zoned I-L located next to the Luther Jackson School which is zoned Residential. Property to the rear and sides of the property in question is zoned I-L. There is a 75 ft. height limitation on the property and office buildings are permitted as a matter of right. They propose to put in two 200,000 sq. ft. office buildings and comply with the height by grading the property so that uniform grade appears on two-thirds of the building. To the rear of the building they will put in multi-level parking. The first level will be at the same level as the grade around most of the building. In order to get some commercial area in the building serving primarily the buildings themselves, cafeteria, etc., they have created a sunken court below the grade around the balance of the building. Strict interpretation of the height definition requires that this drop of 12 ft. be considered in getting the height. This would reduce the building to 70 ft. precluding the possibility of having a seven story building and forcing them to spread the building out much farther with a six story building. They would like to ignore the areas below the greater amount of average height around the building in the interests of getting the building smaller.

Mr. Smith said he considered this premature -- the plan must be rejected by the Planning Engineer's office before this Board can consider it. The Board is being asked to consider this prior to the Staff having a chance to act. The Staff can reject this under the proper site plan procedures. The other Board members concurred.

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Mr. Knowlton asked for an interpretation on a request of a developer for putting in underground parking to the property line, taking this under a travel lane that is privately owned. The Board took this under advisement.

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Mrs. Henderson read the following letter from Mr. Hobson regarding the Bull Run Public Shooting Center:

> "Mr. Jack Rodin is preparing to complete the improvements on two of the existing four shooting fields at the Bull Run Public Shooting Center which

will enable him to use these two fields for either trap or skeet as the demand requires. These improvements, consisting of additional walkways and housing for the clay pigeon launching machines, were shown on the site plan originally filed with the Planning Engineer upon the direction of the Board of Zoning Appeals. The construction of these improvements will not permit additional shooters to fire at any one time but will allow the center to be more flexible in meeting customers' preference for shooting of skeet or trap. Inasmuch as this improvement was shown on the original site plan, I advised Mr. Rodin that no additional action of the Board of Zoning Appeals was required to complete the improvements shown thereon. However, since there has been opposition to the shooting center, I wish to inform the Board of this anticipated improvement in advance, and Mr. Rodin and I will be ready to answer any questions the Board might have on this or any other aspect of the shooting center. Mr. Rodin further reports to me that the shooting center is receiving increasing acceptance among the public. The 'learn to shoot' programs are continuing and volume of business has reached a point under the lease of the Northern Virginia Park Authority where a percentage of the profits of the center are remitted to that public body."

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The meeting adjourned at approximately 5:00 P.M.
By: Betty Haines

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

July 18, 1968
Date

Omitted from Page 133 by mistake

***LEVITT & SONS, application under Section 30-7.2.6.1.1 of the Ordinance, to allow erection and operation of community swimming pool, intersection of Middle Ridge Drive and Point Pleasant Drive, Centreville District, (R-12.5 cluster), Map No. 45-3, 45-4 ((1)) 12, S-870-68

Mr. Gerald Fitzgerald showed the overall basic master plan for Greenbriar. The recreation area, eight acres, is divided into two portions, he said. One area will be deeded to the Park Authority and will have tennis courts, trails, etc. The other 3.3 acres will be ultimately deeded to a non-profit citizens organization. The tennis courts and horseshoe pits will be constructed prior to dedication.

Mr. Smith felt that the local citizens organization should control the entire development rather than the Park Authority. These areas are set up primarily to serve the residents of the community while the Park Authority normally is a County-wide setup.

This was the agreement that was entered into at the request of the Park Authority, Mr. Fitzgerald explained. At the time the flood plain was being dedicated they requested that part of it be deeded to them and it will be made public.

The swimming pool will not be public, Mrs. Henderson said; that will be for residents of Greenbriar. What is the access to the tennis courts, she asked?

Mr. Fitzgerald said that access would be via Point Pleasant Drive and trails. They offered to construct a parking lot. The Park Authority indicated that they did not care to have parking on the park site, that people could utilize the parking space on the swimming club property.

Mr. Smith said he did not understand their reasoning -- basically, the pool is for the benefit of the local citizens who will operate it and for these other people to maintain the parking area on pool property is not a practical arrangement.

All of this land should go to the citizens organization, Mr. Smith said, for the benefit of the local people. This is not a County-wide thing.

Mr. Lester Levitt, resident of Greenbriar, stated that there is a school across the street from the park area and there is some concept now in terms of schools and park recreational areas adjoining each other. They have talked with Recreation about future plans when the school is completed, to be able to operate a school recreation program and he felt that it was important that the Board see the total picture in terms that this is across the street from a public school which may not be limited to Greenbriar residents.

It would be very difficult for the Board to arrive at a parking area for the swimming pool when they don't know how mahy people will be using the property, Mr. Smith said.

The Park Authority knew their plans from the beginning, Mr. Fitzgerald stated, that in the event the swim club was not built in the early stages of Greenbriar, the entire area would be dedicated to the Park Authority and when the pool was built, the Park Authority would release 3+ acres of land for the swim club. The tennis courts would be open to anyone in the County. The applicants have complied with their wishes.

Mrs. Henderson commented that she had never seen land such as this divided, with part of it in public park and the other in private club use with private club parking used by the public facility.

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Who will allocate the use, time of play, etc. and who will use the tennis courts, Mr. Smith asked? The Park Authority should not attempt under any conditions to arrange for public use of land which is set aside for the benefit of people living in the immediate vicinity. This is the entire concept of community planning and would destroy the cluster plan concept. This number of tennis courts will not even come close to meeting the needs of the people in Greenbriar. Good planning would dictate that the non-profit organization within the subdivision itself should have complete control over the established facility, first for their use, and if they are not utilizing it to the fullest extent, they should be allowed to decide who should use it.

They have tried to comply with the wishes of the County and the Park Authority, Mr. Fitzgerald stated, and they would have no objections if this concept were to change slightly. They tried primarily to satisfy the Park Authority and their own desires to construct a swimming club.

The 3.39 acres allocated for the private club is part of the open space which the applicant must maintain in order to get the cluster, Mrs. Henderson explained, and she said she did not know any reason why more of the 4.6 acres could not be added to it. Why does the Park Authority want this? Why don't they take the point of land if this adjoins other open space, but increase the 3+ acres of land by whatever area the tennis courts are on. Put them in the private club.

Mr. Yeatman suggested moving the horseshoe pits back and putting the parking along Point Pleasant Drive.

They indicated parking on the Park Authority property in their preliminary plans, Mr. Fitzgerald said, but the Park Authority indicated they would rather not have it. They would definitely go along with the Board's wishes if they say parking should be on the Park Authority property. There are 1250 homes ultimately planned for Greenbriar. The 600 family pool is all that is planned now. To the best of the Company's evaluation of what size the pool should be, based on other Levitt developments, they think this pool is going to be adequate.

It is adequate for the development, Mr. Smith said, but when you open to the public, this is setting up a police problem. The citizens could do most of the policing themselves if they had control over it.

They have discussed this with the Park Authority and this was their decision, Mr. Fitzgerald reiterated. They wanted access to Point Pleasant Drive. Their main object has been to satisfy the Park Authority and if the accepted concept should change, they would have no particular objection, Mr. Fitzgerald said.

Major Combie, Lot 51, stated that the tennis courts are planned right behind his lot. He did not know at the time he purchased his lot that this was being contemplated as being open to the public. He and others on Majestic Lane paid additional money for their lots over and above the normal cost, to guarantee privacy in the rear. His lot cost $1,000 extra. There were many trees in the rear which have since been knocked down. He objected to a public layout. They were not informed and he said he had no objection to the pool and hoped to join it, but he did pay extra money for privacy. They were told that this would be park property. Now it looks like he will have two public tennis courts behind his property. They knew about the trails but had heard nothing about tennis courts and horseshoe pits.

If this were entirely under the control of Greenbriar citizens, would you have less objection, Mr. Smith asked?

Yes, Major Combie answered, if he could have some say as to where the tennis courts went. He did not think it necessary to put them 50 ft. behind his boundary line.

If they put the courts where the trails are, that would be quite a distance away, Mrs. Henderson noted.

Also, Major Combie continued, they are hearing today that the privacy screen will be placed on his property rather than on public land.

Screening should be on the land proposed to be controlled by the Park Authority, Mr. Smith said, and not on the individual's property adjacent to it.

Major Covington, three lots down from Major Combie, said he paid $1300 extra for his lot to insure privacy. He also objected to public uses this close to his land.

Mrs. Henderson felt that the tennis courts should be moved closer to the pool.

Mr. Yeatman said he felt that there was too much recreation planned for this small parcel in back of people's homes.

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One of the big factors involved, Mr. Smith noted, is that if the Park Authority controls the property, they can put up anything next to the back yards of these homes. Under the citizens' organization' control and use permit, there will be control as to where the facilities should be located.

Maybe these will be lighted tennis courts and horseshoe pits, Mr. Yeatman suggested, if the Park Authority has control.

Major Combies restated that they paid the extra money to insure privacy.

Mr. Fitzgerald said he wished to clarify a couple of items: In the Master Plan that was drawn for Greenbriar, this 8 acre site was shown as recreation area. On their sales display it was indicated as an 8 acre recreation site. The Company has made every effort to save trees on that site but they were quite severely limited by drainage design criteria of the County so far as discharging storm drainage and from an engineering standpoint they were unable to save many trees. They tried very desperately. They will be replanting trees. The basic concept of the park was approved at the time the flood plain study was approved. They could not record a plat until the flood plain study was resolved and part of this study was preliminary plan for the recreation area.

Were the tennis courts on the overall site plan, Mr. Yeatman asked? When was that drawn?

Yes, they were shown, Mr. Fitzgerald stated, and that was 6-23-67.

Major Combies stated that he paid his down payment in August 1967 and he has never seen the document which the applicant gave to the Board of Zoning Appeals. He has been trying to find out since January what is going back there. The terminology used was not recreation area but park area.

Does the tennis court on that site plan show in this location, Mrs. Henderson asked?

Yes, Mr. Fitzgerald replied. Originally they were talking about the pool in another location as they felt it would be a nuisance having a pool this close to a residential area so they moved the location and changed the concept.

Mr. Smith stated that there was no reason why the tennis courts could not be moved closer to the swim area, far away from the lots of these adjacent property owners. They could have an open area between the tennis courts and the recreation facilities.

The Company fully intends to restore vegetation and shrubs to insure privacy, Mr. Fitzgerald said. Moving the tennis courts would place a hardship on them. They have received approval from the Park Authority on the site plan and have run the fill in for the tennis courts and are attempting to have them ready for the citizens within the next three or four weeks.

This is not actually deeded to the Park Authority, Mrs. Henderson said. Suppose the applicants said they were going to deed to a private club?

As far as the open space requirement is concerned, Mr. Knowlton said, it would be the same either way. It is a question of getting approval for shift in ownership. It is required to have approval from the Park Authority in the preliminary stage of subdivision as to what they will or will not accept. They have criteria that they will take flood plain land providing there is certain percentage of good land.

The cluster concept was that the land would be dedicated to or under control of a civic organization or the Park Authority, Mr. Smith said. There is no stipulation that the Park Authority should have first choice of all the usable land. The land which was intended for park use originally was flood plain land and under the cluster concept the usable land was to be under control of the civic association or local organization of the community. Why does the Park Authority want to control the land that was meant for the benefit of people purchasing lots in this subdivision? These people paid additional money to have park facilities adjacent to their property with no apparent thought of this being a public use.

Mr. Knowlton said that perhaps he read the Ordinance different than the Board. He would not argue with the merits as to private versus public recreational land. He read from the Schedule of Regulations in the Zoning Ordinance -- "In cases where the balance of land not contained in lots and streets is needed by the County of Fairfax for school sites, parks, recreational areas, highways or flood plains, the location as determined by the County Planning Engineer,and such land is suitable in size, shape, condition and topography, and such needed purpose as determined by the County Planning Engineer of Fairfax County, then this land shall be deeded to Fairfax County for such purpose. The Planning Engineer may, however, approve the balance of the land not contained in lots and streets to be conveyed to a non-profit corporate ownership authorized under the laws of Virginia, provided that the owner or developer presents a plan, proper agreements, covenants, acceptable to the County for the development and maintenance of the open land. The members of such non-profit corporate ownership shall be the owners of all the lots in the subdivision and said land to be held and used for the recreational purposes for the owners of the said subdivision lots...."

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LEVITT & SONS - Ctd.

This is for school and public facilities to serve the additional population, Mr. Smith said, and the second consideration is for open space to serve these same people. The Park Authority apparently is interceding here. The same thing happened in Brookfield and the Board held up that permit until this was worked out. The cluster concept is a good concept for community living and in order to arrange good orderly development of these communities, the open space in the area should first be utilized by the people around it, not for everyone who wantsto come in.

It would place a hardship on the applicants, Mr. Fitzgerald said, as they have gone ahead with the impression by letters from the Park Authority that they approved of this concept. The property is now ready for the base of the tennis courts.

It is poor planning on the part of the Park Authority, Mrs. Henderson stated. It seems that the citizens have a legitimate cause to request a meeting with the Park Authority, as they were not consulted about this location at all and never had a chance to voice any opposition. It may be a hardship to the applicants and is certainly not their fault. The location should be moved and if it costs money maybe the Park Authority could pay to have it removed.

The entire concept affects the parking for the swimming pool, Mr. Smith said, and the Board has no knowledge of what the additional land is going to be used for. He would like to defer decision until the applicant could bring in a new plat showing the tennis courts in closer proximity to the parking lot and with the citizens organization having control of the entire land area involved in the application. Only one swimming pool is proposed for this 1200 home development. The residents need this space for the cluster concept of living.

It could be deferred for two weeks, Mrs. Henderson said. It seems ridiculous to have volleyball under the citizens' control and horseshoes under Park Authority control.

The Board normally has required 200 parking spaces for 600 family membership, Mr. Smith stated. There is not enough parking for the pool itself and this is creating a problem before this gets off the ground from a parking standpoint. 147 spaces are not adequate. He moved to defer until the applicant comes in with new plats showing tennis courts in closer proximity to the swimming area with the additional parking shown and the recommendation is that the citizens organization be conveyed the title to the entire tract of land, to have full and complete control over the entire land and all facilities thereon.

Mr. Levitt asked -- if the Citizens Association controls the entire area would this make them responsible for the maintenance?

Mr. Smith answered -- yes, and the Recreation Department would help.

Mr. Smith moved to defer to July 9. Seconded, Mr. Barnes. Carried unanimously.

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 25, 1968 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.

T. DAVID COOPER, application under Section 30-6.6 of the Ordinance, to permit erection of open porch 20 ft. from rear property line, Lot 215A, Resub. Sec. 1 & 2, Edsall Park, 6733 Front Royal Road, Springfield District, (R-12.5), Map No. 80-2, ((2)) 215A, V-875-68

Mr. Cooper stated that the house is situated in a peculiar location on the lot. He would like to build a sun room and since submitting this application for a variance, he reconsidered and decided that he would like to build a combination carport and porch on the side of the house. He has submitted a request for a second variance to be heard on July 23. He will not build both -- it will be one or the other.

Mr. Baker moved to defer action to July 23 when the other application is heard by the Board. Seconded, Mr. Yeatman. Carried unanimously.

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The Board scheduled an extra meeting for July 30 since the Agenda through August 6 has already been filled.

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At the request of Mrs. Bradley, Supervisor of Dranesville District, Mr. Knowlton explained that Mr. Chilton has written a letter to Mr. Aylor, attorney for Cities Service Oil Company service station at Tysons Corner Shopping Center, as follows:

"June 20, 1968

Mr. John Aylor
Phillips, Kendrick, Gearheart & Aylor
P. O. Box 550
Fairfax, Virginia 22030

Dear Mr. Aylor:

With reference to your letter of June 4, 1968 concerning the proposed Cities Service Oil Company station on Route 123 at the Tyson's International Shopping Center, I wish to advise that the three plans are being reviewed for conformance to the county service road requirements.

In connection with the review of the Board of Zoning Appeals minutes, we note that the building is to be constructed in a waffle masonry pattern, white in color with a flat built up slag roof. I would like to suggest that the Cities Service Oil Company seriously consider modifying the architectural facade of this station to provide for a wider or thicker roof edge, and change the waffle design and surface the front of the building with a white sand pebble finish so as to blend with the architecture on the International Center adjoining. Elimination of the red stripe around the building would be a further step in harmonizing the architectural treatment of this structure with that of the center.

I would appreciate your taking this up with the oil company and in the event that they would agree to this change, the county will seek to secure approval from the Board of Zoning Appeals for this change. Your cooperation in this matter will be appreciated.

Very truly yours,

(S) John F. Chilton
Principal Planning Engineer"

Mrs. Henderson commented that it seemed reasonable to her, but the Board would have to discuss this with the Oil Company.

If the Oil Company does not agree, Mr. Smith said, then he would move that the Zoning Administrator notify him of the earliest date which the Board could take this up in official capacity. The site plan has not been approved for the service station. He moved that the Board reconsider the CITGO application in relation to harmonizing it with the proposed or existing structures in the shopping center. If the Oil Company agrees to this without official hearing, the Board would now approve the change. The Zoning Administrator should notify them of the concern and possible reconsideration of the design, to be placed on the agenda at the earliest possible time. Seconded, Mr. Baker.

June 25, 1968

CITIES SERVICE OIL COMPANY - Ctd.

The intent of the motion is to reconsider the entire application, Mr. Smith said. Carried unanimously.

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JULES STOPAK, application under Section 30-7.2.10.2.5 of the Ordinance, to permit erection and operation of car wash with gas pumps, Lots 15 and 16 and part of Lot 14, Southern Villa, south side of Little River Turnpike between Valley St. and Cherokee Ave., Springfield District, (C-N), Map No. 72-1 ((10)) 15, 16 and pt. 14, S-876-68

Mr. William Batrus represented the applicant, requesting that Mr. Stopak be allowed to construct a car wash with three gas pump islands. There is a house on the property now which has been boarded up and condemned. The property has been zoned C-N for a long time.

Since May 20, 1965, Mrs. Henderson said, with the understanding at that time that it was to be used as overflow parking for Roy's Beef House.

Two years ago this Board granted a variance to the Shell station immediately west of Roy's, Mr. Smith stated, and it was noted at that time that they could not get any additional C-N property in there. The Board suggested that they purchase the adjacent property and he was granted a variance to construct an addition to the service station. If it was not in fact rezoned to provide parking for the Beef House, the service station is still in need of it. This use would utilize all of the existing C-N land.

Mrs. Henderson read the recommendation of the Comprehensive Planning Office:

> "The review of the subject case prompts comment with regard to the erection and operation of a car wash with gas pumps on the south side of Little River Turnpike between Valley Street and Cherokee Avenue. This application is in an area planned for single-family residential on the adopted Annandale comprehensive plan but is currently zoned for C-N uses. This office would suggest the subject application be deferred until the Annandale planning district restudy has been completed. It should be further brought to your attention that the subject application is on land that is right in the middle of the proposed interchange between Route 236 and the proposed Monticello Freeway as reflected on the functionals furnished to us by the Virginia Department of Highways."

Mr. Batrus said that it was his understanding that the Monticello Freeway has been talked about for a long time and that there are no definite plans for completing that.

Mr. Knowlton said that he was not aware that there was a report from Mr. Pumphrey. The Master Plan when first adopted showed the Monticello Freeway going through here. Some time ago the Board of Supervisors removed from the Master Plan the portion east of the Beltway so that the freeway would begin at the Beltway and go west and south. There are no plans in this locationat this time but they cannot say that it will not be built some day. The reason it was not in their staff report is that there is no plan for it. The Annandale Restudy is in process now and the last thing they have was the action of the Board of Supervisors which definitely took this part of the Monticello Freeway off of the plan.

Mr. Stopak explained that this was a new concept in car washing. When a customer buys so many gallons of gas, he will get a free car wash or one at a nominal fee. There would be no oil changes or greasing. The car wash price would be adjusted from 9 to 99 cents, depending upon the amount of gas that is bought. The whole car wash business is changing. Out west they always put gas pumps with a car wash.

This is really not a car wash, Mr. Smith said, it is a gas station.

Mrs. Henderson agreed. It fits the definition of service station in the Ordinance, she said.

Perhaps the property owner behind their property could shed some light on the rezoning, Mr. Stopak suggested.

The gentleman did not identify himself but stated that the property did belong to Marshall. Then Mr. Parzow bought the property and he was running the beefhouse. He wanted this land rezoned to C-N in order to build a new beefhouse. Then he sold the beefhouse to Mr. Manning who has contracted to buy the property west of that for additional parking. At no time was he interested in parking on this property. If there is additional parking space needed, he would be glad to work with them to allow parking on his land.

That is residential land, Mrs. Henderson pointed out; they could not use that for parking.

Mr. Smith expressed concern about property being rezoned for one purpose and used for something else.

The former owner was not aware of the rezoning that took place and what it was supposed to be utilized for, the unidentified gentleman said.

Opposition: Mr. Newton Edwards, resident of Pinecrest community, stated that he felt this would have an adverse effect on the entire area. Granting a special use permit for this purpose would set a precedent in the area. The property was given C-N zoning in

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JULES STOPAK - Ctd.

1965 to provide parking for the existing restaurant. If the permit for the car wash is granted, it will create worse traffic problems in the area.

Mrs. Joan Madden, resident of Pinecrest, objected because this is contrary to the Master Plan and would destroy the quality of the residential area. She read a letter from the Historical Society regarding the Moss House which was built in 1740 and should be preserved and protected for future citizens' enjoyment.

Mr. Bruce Bass spoke in favor of the application.

Mr. Batrus claimed that the design of the building would add to the beautification of the area. It would be of glass and stone construction. The applicant purchased commercial property and this is a commercial use. It would not be adverse to anyone.

Mrs. Henderson pointed out that the Board has certain standards to go by and the whole general area must be taken into consideration. This is the reason for the use permit.

In view of the recommendation of the Planning Staff and in order to accumulate any additional information that might be forthcoming in the near future, Mr. Smith moved that the application of Jules Stopak be deferred not to exceed 120 days, for additional information which the Staff might have. Deferred for decision only. If the information is obtained before 120 days, the application should be rescheduled for decision only. Seconded, Mr. Barnes. Carried unanimously.

The building should be moved 50 ft. from the side property line instead of 25 ft., Mr. Smith told Mr. Batrus, since it is the Board's consensus that this is a gas station, and the plat shows it at 25 ft.

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WESLEY METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, maximum 25 children, hours of operation 9 a.m. to 12 noon and 12:30 p.m. to 3:15 p.m., 5 days a week, ages 3, 4, and 5 years old, Lots 1, 2, 3 and 4, 31, 32, 33 and 34, Mt. Zephyr, 8412 Richmond Ave., Mt. Vernon District, (R-17), Map No. 101-4, S-877-68

Mrs. Gloria Thompson explained that the Church wished to have a nursery school operation with a maximum of twenty-five youngsters. Mrs. Doeppner is the director. Parents would bring the children to school. There would be three separate sessions and not more than twenty-five children on the premises at any one time.

Mr. John Crouch, operator of nearby private school, spoke in opposition. He objected to the competition which would be created by this school.

The Health Department had no objection to the application provided the operation would meet all County requirements for such a school.

In the application of Wesley Methodist Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, maximum of 25 children on the premises at any one time, hours of operation 9 a.m. to 12 noon, and 12:30 p.m. to 3:15 p.m., 5 days a week, ages 3, 4 and 5 years old, Lots 1, 2, 3 and 4, 31, 32, 33 and 34, Mt. Zephyr, 8412 Richmond Avenue, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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W. H. MOORE, application under Section 30-7.2.10.3.8 of the Ordinance, to permit erection and operation of new and used automobile and truck (not exceeding 1 1/2 ton capacity), sales room and service facilities appurtenant thereto, NW corner of Richmond Hwy. and Woodlawn Court, Lee District, (C-D), Map No. 101-3 ((1)) Par. 77, S-878-68

Mr. Mark Fried represented the applicant. There has not been a building on the site, he said, and the property has been used as storage area for scaffolding equipment. Mr. Moore acquired the property about three years ago. He will erect a brick building with shake colonial facade roof, and this will be a Datsun dealership with standard Datsun signs erected on the roofline. They would sell trucks up to 1/2 ton. These vehicles are made in Japan. This would make use of property that is now an eyesore and would mean that additional revenue would be paid to the County in the way of real estate taxes and sales tax. They would not store used cars on the property. The building will be of brick and glass -- 60' x 135'. The rear wall of the building will be of cinderblock construction.

There is residential zoning in the rear so the rear of the building should be of the same construction as the front and sides, Mrs. Henderson said.

No opposition.

Mr. Smith felt that the site plan should show more parking spaces.

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W. H. MOORE - Ctd.

In the application of W. H. Moore, application under Section 30-7.2.10.3.8 of the Ordinance, to permit erection and operation of new and used automobile and truck (not exceeding 1 1/2 ton capacity), sales room and service facilities appurtenant thereto, northwest corner of Richmond Highway and Woodlawn Court, Lee District, Mr. Smith moved that the application be approved in conformity with plat shown and in conformity with recommendation of the staff -- namely, dedication of 98 ft. from center line of Route 1. Dedication is a condition of the granting. It is understood that the building will be constructed of brick and glass in conformity with rendering submitted. Seconded, Mr. Barnes. Carried unanimously.

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MAURY K. MOORE, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 5.4 ft. from side property line, Lot 8, Section 1, Munson Hill Farm, 3348 Mansfield Road, Mason District, (R-12.5), V-879-68, Map 61-1 ((16)) 8

Mr. Moore stated that he needed a variance of 1.6 ft. in order to build a better carport, wider and easier to get into. All of the other houses of this design have 12 ft. carports.

Mrs. Henderson said that she did not see how the irregular lot could be used as a reason for granting a variance in this case. The variance is only 3/10 of a foot difference for the length of the carport.

There is a 15 ft. storm sewer easement adjacent to the lot, Mr. Smith said.

Mr. Moore stated that 5 ft. of the easement was on his property.

A 10 ft. carport could be built without a variance, Mrs. Henderson said.

No opposition.

The Board granted a variance for one carport in this area, Mr. Smith said, and he did not believe that this carport should be any closer than the one for which the Board granted a variance.

In the application of Maury K. Moore, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 5.4 ft. from side property line, Lot 8, Section 1, Munson Hill Farm, 3348 Mansfield Road, Mason District, Mr. Smith moved that the application be granted in part -- to allow an open carport within 5.6 ft. of the side property line rather than 5.4 ft.; this is an irregular shaped lot. There is a 15 ft. storm sewer easement across the property. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she did not feel that the shape of the lot or the storm sewer easement have anything to do with the setback of the carport or constructing a usable carport.

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MARIAN BRADBURY, application under Section 30-7.2.8.1.1 of the Ordinance, to permit training of dogs, maximum of 10 dogs, 12 noon to 4 p.m., six days a week, 11025 Oakton Road, Centreville District, (RE-1), Map No. 47-3 ((1)) 53, S-880-68

Robert C. Black, attorney, represented the applicant who was also present.

Mr. Bradbury moved into the area not knowing that he needed a permit for training the dogs, Mr. Black stated. He found out later that it was necessary and applied for the permit. This is not for a kennel in the usual fashion. He will not sell dogs and will not increase the number of dogs in the area. He is only going to train the dogs which he already has. He is an experienced dog trainer. He gives obedience training, guard dog training and attack, depending upon what the people want. These dogs are obedience trained and will only attack on command. Mr. Bradbury can train them in two languages. Hours of training are 12 to 4 p.m. It can take up to three weeks to train a dog. During the last two or three lessons the owner is trained with the dog.

Mr. Bradbury stated that he worked with the Pennsylvania State Police for some time and they use French in commanding their dogs to attack. Some people have requested him to train dogs in German or Russian command words. This avoids having someone else give a command to the dog which he should not obey. People have requested him to train dogs to attack on sight of a gun but he does not train dogs that way because many children play with toy guns and this could cause an accident.

Mr. George Baker objected because of noise created by the dogs and the additional traffic which would result if the application were granted.

Have you ever noticed noise and traffic in connection with this operation, Mrs. Henderson asked?

He has never lived there, Mr. Baker said. He rents the property.

Have the tenants complained, Mrs. Henderson asked?

Mr. Baker did not know. He has an agent taking care of his property, he explained.

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MARIAN BRADBURY - Ctd.

At first he trained dogs in his home in Maryland, Mr. Bradbury stated. He was looking for property that was located away from other houses and having more land. This is almost four acres. He has talked with Mr. Baker's tenants and they say that the dogs do not disturb them. The dogs are kept quiet. If the dogs bark at night he sprays the whole kennel and they go inside and be quiet. On a dog that is not quieted by water, he puts a collar on him with a radio transmitter by the door. When the dog barks, he pushes the button and this collar transmits 3 volts on the dog's neck. After two or three times, the dog is quiet.

If the application is granted, Mr. Bradbury will do considerably more fencing, Mr. Black stated.

He always tries to maintain maximum security, Mr. Bradbury explained. There is a main gate with gates in each run. Whenever he goes into the kennel he always closes the main gate until he can open the run gate and put the leash on the dog. There will be a ceiling over the runs so the dogs cannot jump out.

Mr. Smith requested that the applicant submit new plats showing a better layout for the runs and distances from all property lines. If there are going to be ten dogs there should be ten runs shown on the plat.

Mrs. Henderson suggested that Mr. Bradbury consult with the Health Department regarding disposal of waste. She would somewhat discount Mr. Baker's objections since he does not and has never lived here, she said. He did not know the operation was there until receiving notice of this hearing, and has not seen traffic nor heard dogs barking. His tenants have not complained. Decision should not be made until after the Health Department has approved the method of waste disposal. New plats should be presented showing distances to all property lines, the added four runs if the applicant is planning to have ten dogs, and a detailed description of the kind of fencing and kind of security measures to be taken should be given to the Board.

Mr. Smith advised that Mr. Bradbury should get insurance to cover anyone who might be injured from one of these dogs.

There is a fence around the whole area to keep people away from the kennel, Mr. Bradbury said. It is 4 ft. high now and he plans to put another section on top of that.

Mr. Baker suggested putting barb wire on top of the existing fence with signs warning the people about the dogs.

Mr. Smith moved to defer to July 30 with no extension of the operation in the meantime beyond what is there now. No new dogs should be taken on the property in the meantime. Seconded, Mr. Yeatman. Carried unanimously.

Mr. George Baker, Route 4, Box 271, Elkridge, Maryland asked to be notified of the time of the deferred hearing.

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KATZEN & GIBSON, application under Section 30-6.6 of the Ordinance, to permit construction of warehouse 50 ft. from rear property line, on west side of Fleet Drive, approximately 300 ft. north of Beulah Street, Lee District, (I-P), Map No. 91-1 ((1)) Par. 36, V-882-68

The previous two times these developers were before the Board, they were partial owners of the McDonald's Hamburger chain, Mr. Spence stated. Since the last hearing they have sold their interest in McDonald's and because of the difficulties and confusion involved in the sale, they let the permit expire. There was difficulty in obtaining an easement for storm sewer outfall and they have been bickering with the Railroad trying to work out an easement agreement. That has been settled and they now have an agreement and are ready to go forward with the development. At the present time they anticipate a speculative warehouse operation on the property and are dealing with several companies. The site plan has been submitted to the County and is being worked on. The Capitol Fleet Club property adjoining was recently rezoned to the Industrial category. The proposed building for the subject property is 30 ft. tall and will set back 35 ft. from the property line. The building has been turned around and the office building has been deleted from the proposal. This is less variance than the original request.

No opposition.

In the application of Katzen & Gibson, application under Section 30-6.6 of the Ordinance to permit construction of warehouse 50 ft. from rear property line, west side of Fleet Drive, approximately 300 ft. north of Beulah Street, Lee District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted, and that the applicant be required to dedicate to the rear of the median along Fleet Drive. All other provisions pertaining to this application shall be met. This is the same application the Board approved twice previously and the variance sought in this application is less than in either of the other applications. Seconded, Mr. Barnes. Carried unanimously.

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June 25, 1968

FRED SCHNIDER, application under Section 30-7.2.7.1.4 of the Ordinance, to permit erection and operation of driving range, intersection of Route 28 and Route 50, Chantilly Farm, Centreville District, (RE-1), Map No. 34, ((1)) Par. 81 & 82, S-883-68

Letter from Mr. Bartow Ray requested deferral for submission of new plats.

Mr. Smith moved to defer to July 30. Seconded, Mr. Yeatman. Carried unanimously.

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E. L. AND GLORIA L. PHILLIPS, application under Section 30-7.2.6.1.1 of the Ordinance, to permit operation of swimming and picnic area, property located back of lots 33, 34 and 36, Vale Spring Woods, Centreville District, (RE-1), Map No. 36-4 ((1)) Par. 26, S-884-68

Mr. Hertz represented the applicants. This is a two acre lake which was built by the Phillips' in Vale Spring Woods, a small subdivision with a total of 45 lots, many of which are not yet built upon, Mr. Hertz stated. The people moving into the subdivision have requested use of the lake so they are seeking a use permit to allow them to use it. There are ten families present who wish to use the lake. This is surrounded entirely by woods and the nearest house is approximately 350 ft. away. This would be open only to the people living in the subdivision and most of them would walk to the lake.

Where does the water come from, Mr. Yeatman asked?

From three springs underneath the lake, Mr. Hertz replied. They are having it tested privately. The Health Department has told them that they have no facilities for testing it. Various families will be in charge of safety as opposed to hiring of a full time lifeguard.

There should be a lifeguard, Mrs. Henderson said. The Board would feel responsible if the permit is granted.

There should be Health Department approval of the lake before it is used by anyone for swimming purposes, Mr. Smith said.

The Health Department has no objections to the application, Mr. Woodson reported.

They plan to have the water tested before going forward with the Association, Mr. Hertz said. This will be a community non-profit organization. He submitted copies of regulations drawn up for the lake.

Mr. Hertz called on Mr. Thompson, resident and proponent, and asked him if this were a nuisance?

They have used the lake for skating in the winter and swimming in the spring, Mr. Thompson said, and it has not been a nuisance. Everyone is concerned with using the lake and are on good terms. The pond was stocked last fall with two kinds of fish and with bass this spring. They have not seen any dead fish.

Opposition: Mr. Roger Elgin, closest resident to the pond, stated that he was not contesting the owners' right to use the lake for their own personal use as approved by the County authorities, but it should be brought out that this was pointed out to the County that they were operating a club without County approval. He presented a petition with eighteen signatures in opposition. They are very much opposed to a use permit for picnicking and swimming unless there are restrictions placed on the operation. Membership should be limited to the subdivision so they could not go across the road and solicit memberships. The property should be fenced to keep children out. They are very concerned about noise and hours of operation.

Is the easement dustfree, Mr. Smith asked?

Mr. Elgin stated that he had never seen any dust.

Mr. Donald Strickhouser, owner of Lot 27, Section 3, said that he did not sign the petition against the use permit. He is not against the issuance of a use permit as the lake was in existence when he bought his house and he thought it would be used. His lot is almost directly across from their entrance and he was concerned about people blocking his driveway. There has been no dust problem because people can only travel approximately five or six miles per hour on this one lane road.

Mr. Zimmer, owner of Lot 34, said that he purchased his lot to have a certain amount of seclusion and quiet. Some of the lake seems to be on his property. He did not wish to be made an informal lifeguard, running whenever he heard someone screaming. Someone should be there every minute. If there is going to be picnicking they are going to use the best part of the land around the lake, and this happens to be on his property. In about three weeks he will be leaving the area for three years.

Mrs. Henderson suggested putting a fence along Mr. Zimmer's property line, even if part of the fence is out in the water.

The applicant should provide 10 parking spaces, Mr. Smith said, and if it is not sufficient, it is understood that all parking connected with the use would be on the premises. There should be no parking along the access road or on Vale Road.

June 25, 1968

E. L. AND GLORIA L. PHILLIPS - Ctd.

In the event that no use permit is granted, the lake will remain as it is, without any control, Mr. Smith said. Dr. Phillips is entitled to use and have his friends use it. There would be less control over trespassers and many types of undesirable activities might occur unless this is controlled in some manner such as a use permit. In the interests of everyone, including the County, the permit is most desirable.

In the application of E. L. and Gloria L. Phillips, application under Section 30-7.2.6.1.1 of the Ordinance, to permit operation of swimming and picnic area, property located back of Lots 33, 34 and 36, Vale Spring Woods, Centreville District, Mr. Smith moved that the application be approved with the following conditions: that the granting of this application is in fact to the Vale Spring Woods Lake Group, a group of citizens owning property and residing in the Vale Spring Woods Subdivision. They have combined their efforts and money to provide recreational facilities for families that might want to become a part of the organization and would be limited to lot owners and residents of the Vale Spring Woods Subdivision and their guests as outlined in the by-laws set up to govern the operation. The Board does not necessarily condone all points of this proposed list of by-laws. Those that are contrary to the Ordinance or contrary to any part of this motion would not be condoned. Hours of operation 9 a.m. to 9 p.m. as stated previously for residents and lot owners only and their guests; that a 6 ft. chain link fence be placed on the property line in accordance with plat submitted with this application, around the swimming impoundment area; that parking be provided on the site for all users of the facilities; that a gate be provided at the entrance to the access road at Vale Road; this gate to be kept locked and closed at all times that this is not in use. The road to the lake and the three lots shall be kept in a dustfree condition at all times. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried 5-0.

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DEFERRED CASES:

NATIONAL MEMORIAL PARK, INC., application under Section 30-7.2.3.1.1 of the Ordinance, to expand existing facilities for operation of cemetery, Hollywood Road, Providence District, (R-12.5), Map 49-2 & 50-1, S-833-68 (deferred from May 28)

This application was deferred from May 28 for evidence of compliance with the State Code or a waiver thereof.

Mrs. Henderson read the following memorandum from William Wrenn, Assistant County Attorney, to J. O. Woodson, Zoning Administrator, dated June 25, 1968:

> "You questioned the applicability of Section 57-26 of the Virginia Code to National Memorial Park, Inc. It is my opinion that this section does not apply to the current application of National Memorial Park. The leading case on this question, Temple, et al v. City of Petersburg, 29 S.E. 2d 357, 108 Va. 259, held that the statute provided that no cemetery shall be established in any city (applicable to county by amendment, 1960) prohibited only the establishment of cemeteries, and did not apply to the addition to or enlargement of already existing cemeteries."

Mr. Smith said that he felt the citizens' objection was to the establishment of mausoleums and aboveground structures for burial. They wanted to know what is going in here.

Mr. Radigan showed an architectural rendering of the Lewis tract. They have absolutely no plans for aboveground mausoleum space on the Lewis tract, now or in the future. The situation is somewhat different with the Smith tract, the 10 acre parcel. Maybe at some time in the future they would wish to put in mausoleum type structures. If they did, they would resemble the sketch shown to the Board. These structures are only 8 to 9 ft. tall, with 10% coverage of the land. The exterior would be marble finish.

Colonel Barone described these as having three tiers of burial spaces, a total of 50 or 60 spaces, 9 ft. tall. If that or similar structure were built it probably would be located close to where the house is now.

Could a 200 ft. setback from the property lines of the subdivision be maintained, Mr. Smith asked?

Yes, Colonel Barone replied.

The requirement is that there be no interment within any required setback area -- 25 ft., Mrs. Henderson said, from the rear property line, and 40 ft. from Hollywood Road if it abuts Hollywood Road.

Mr. Radigan asked that the Board consider waiving the setback requirement to some extent. On the Smith tract they have a 25 ft. setback from Westwood Park for interment of the dead, and 1,000 ft. of frontage means that they lose 25,000 sq. ft.

The Board has no power to waive any specific requirement of the Ordinance, Mrs. Henderson informed Mr. Radigan -- it can be used for planting and landscaping.

June 25, 1968

NATIONAL MEMORIAL PARK - Ctd.

In the application of National Memorial Park, Inc., application under Section 30-7.2.3.1.1 of the Ordinance, to expand existing facilities for operation of a cemetery, Hollywood Road, Providence District, Mr. Smith moved that the application be approved with the following conditions: that the applicant meet all setback requirements of the Ordinance, 25 ft. from all property lines and 40 ft. from Hollywood Road, that there be no mausoleums or aboveground structures for burial on the Lewis tract, and any on the Smith tract shall be at least 200 ft. from all property lines of residential areas adjacent to this. All other provisions of the Ordinance pertaining to the application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DAVID THEIS (PONDEROSA FARM), application under Section 30-7.2.8.1.2 of the Ordinance, to allow operation of riding stable, 9600 Leesburg Pike, Dranesville District, (RE-1), Map 19-1, S-845-68 (deferred from May 28, 1968)

Mr. Dennis Duffy submitted an affidavit made by the applicant regarding his responsibility as the operator of the concession together with an attachment regarding the insurance for bodily injury, together with property damage insurance.

Regardless of any waiver of site plan requirements, the Board felt that the applicant should provide a deceleration lane. All of the other applications for uses such as this were approved subject to providing a deceleration lane.

In the application of David Theis (Ponderosa Farm), application under Section 30-7.2.8.1.2 of the Ordinance, to allow operation of riding stable, 9600 Leesburg Pike, Dranesville District, Mr. Smith moved that the application be granted for 45 horses on the 100 acres; that the applicant maintain and keep in force an insurance policy as indicated in the memo to the Board from the Taylor Insurance Agency or similar insurance; that the applicant provide at least 10 parking spaces on the 100 acres for use by the people attending the riding stable; that the paved 12 ft. wide 150 ft. long deceleration lane proposed from the entrance should be done prior to the occupancy permit being granted for the use. All other provisions of site plan and the Ordinance other than those that might be waived by the recommendation of the Staff shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD AND MARY LINTHICUM, application under Section 30-6.6 of the Ordinance, to permit side porch to be enclosed 10.5 ft. from side property line, 3908 Millcreek Drive, Lot 60, Sec. 1B, Mill Creek Park, Annandale District, (RE-0.5), Map 59-4 ((2)) 60, V-844-68 (deferred from May 28, 1968 to view)

The house is 6/10 foot too close to the road and the plat is stamped "approved", Mrs. Henderson commented. The house was built in 1956 when they could go 10 ft. into the side yard but the setbacks were the same -- there are two errors on the plat and it is all stamped "approved".

The applicant is entitled to favorable consideration, Mr. Smith said. The applicants have owned the property for a number of years. This would in no way hurt anyone.

Mrs. Henderson stated that she had looked at the property. These are the original owners of the house. There is lots of land but the porch and house were so located because there was only one place to put the septic field. This will be an asset to the adjoining neighbor because the noise from the open porch will not reach the neighbor's bedroom.

In the application of Richard and Mary Linthicum, application under Section 30-6.6 of the Ordinance, to permit side porch to be enclosed 10.5 ft. from side property line, 3908 Millcreek Drive, Lot 60, Section 1B, Mill Creek Park, Annandale District, Mr. Smith moved that the application be approved as applied for. The applicant is entitled to favorable consideration of the application by the Board. They have owned the property for a number of years and they need the additional living space. This would not adversely affect anyone in the area. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson stated that she had asked Mr. Hobson and Mr. Rodin to come in regarding the letter of June 12. They referred to a site plan in the letter and what they sent was a grading plan. The Board also wants to know if these changes are in lieu of what is marked as "future trap field".

The future trap field is really irrelevant, Mr. Hobson said, because this Board did not specifically grant approval for a future trap field.

What does "improvements, house, walkways" mean as shown on the original site plan, Mrs. Henderson asked?

June 25, 1968

BULL RUN PUBLIC SHOOTING CENTER - Ctd.

The reason he wrote the letter was because he knew the application had been opposed, Mr. Hobson said. He felt that the Board might get some questions about this and he felt that they should be informed about the operation of the shooting center. They propose construction of two additional houses for the clay pigeon launching machine, and additional fencing and walkways. No more shooters can shoot. If they shoot skeet, this will be trap. If they shoot trap there now, they can shoot skeet there now. The trap houses are already there. They are adding a skeet house for two of the four fields. They specifically talked about future skeet fields but the Board did not want to authorize anything at that point. Public acceptance of the shooting center continues to be good. Their records show that most of the shooters are coming from Fairfax County, some from Prince William County and Fairfax City. The brush pile along Route 66 is not completed yet but it will be. The pile is 75 ft. long at this time. It will be three times that length and twice as high as soon as they get more brush. It has been approved by the Fire Marshal.

They have planted all the trees that were indicated to the Board, Mr. Rodin stated. There are 10,000 seedlings which will definitely not do anything to help the noise situation this winter but by the next year they should help. They are looking into two other suggestions which might help the noise situation. One is to build an earth barrier where the brush pile is, considerably higher than the brush pile, and plant some attractive looking cover on it so it would not look bad from the highway. Also they are going to try to take one of their fields to be used as an experimental field, and try to construct an overhead acoustical baffling. The NRA has done this indoors and it completely muffles all sound inside for pistols and rifles. The shooters are set against it. They don't want to use it. Apparently there have been no complaints to Mr. Woodson, Mr. Smith or Mrs. Henderson.

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The Board discussed signs in Doehmann's Plaza.

The consensus of the Board was that the Zoning Administrator's decision in this matter be upheld; that the request for additional signs was not in keeping with the intent of the Ordinance as now written.

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Ridgemont Montessori School - Request for extension.

Mr. Smith moved that the school be granted an extension to August 1, 1969. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 4:45 P.M.
By Betty Haines

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

July 18, 1968
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 9, 1968 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Baker. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

HOWARD F. YOUNG, application under Section 30-6.6 of the Ordinance, to allow dwellings to be constructed on Lots 1, 2, 3, 4 and 5 closer to 20 ft. right of way than allowed by the Ordinance, Annie S. Phillips Estate, Dranesville District, (R-17), Map No. 31-3 ((1)) 99, V-886-68

Mr. Young stated that he was requesting a variance on the setback from the 20 ft. right of way, the principal access. These lots would be in the neighborhood of one-half acre, overlooking Little Pimmit Run. He would build five houses in the $50,000 price range. All of the houses would be out of the flood plain, as shown on the plat. If they get permission for the variance, they will go into resubdivision which will take several months.

Is the 20 ft. right of way a part of the land which will be resubdivided, Mr. Smith asked?

Mr. Young said that he thought the right of way was existing to serve the property farther back. There is one house and swimming pool at the end of the road now. The former owner of that property, Mr. Harrison, used that right of way.

Mrs. Henderson asked Mr. Young if he had considered what type of back yards these homes would have. The entire back yard of every house would be in flood plain.

They have ample front yards, Mr. Young replied.

According to the Staff report, Mr. Smith noted, there is only about one-third of the land out of flood plain and a variance would be required before two houses could be built. If this is to be utilized for construction of homes, it seems that the maximum number of houses that should be allowed would be two houses. The problem of the road concerns him more than the flood plain, he said. This is a substandard road.

Is this road used by Briarwood residents, Mr. Yeatman asked?

No, Mr. Young replied, it is used only by the one person who has a house in the rear of lot 5. He has a lock and chain across the right of way so no one can use it.

Would others be allowed to use the road if the variance is granted, Mr. Smith asked?

Mr. Young said he did not see why not.

Mr. Smith stated that he felt the proposal was out of the question. This would mean that there could be six families using this substandard road for access.

Mrs. Henderson read the Staff report: "A request for waiver of required frontage on four of these five lots has been submitted for consideration by the Board of Supervisors. In our staff recommendations we have said: 'RECOMMENDATION: Approximately 36,500 sq. ft. of one-third of this land is out of flood plain. Variances up to 35 ft. would be necessary from front setback. The 20 ft. access right of way is not provided on the land to be subdivided, and is far substandard for this use. Curb, gutter and sidewalk would be required for lots of this size. For the above reasons, it is recommended that the request be denied, and that no more than two lots be permitted on this parcel since that is the number permissible on the amount of land not in flood plain. The staff believes that this proposal would be the over-development of a relatively useless parcel left as residue in the 1950 Annie Phillips Subdivision.'"

Opposition: Mr. James Hurlock, owner of Lot 13 in Briar Ridge, asked to have the case postponed until his attorney could be present. The 20 ft. right of way is on his property and that of two of his neighbors.

Mrs. Henderson read a letter from Mr. Quinn Elson, attorney representing the opposition, requesting deferral.

Mr. Smith asked Mr. Hurlock if he would be opposed to putting two houses on the property if the 20 ft. right of way were asphalted?

Mr. Hurlock replied that he would like to see a plat first.

Mrs. Robert Pennington, owner of Lot 11, Briar Ridge, felt that this would endanger their privacy and resale value of their homes. They felt that it was unfair for someone to come in and obtain a variance on an old easement which was put there for a different purpose. Two homes would not be as objectionable as five or six but when they purchased their home they were told by the builder that that land could never be built upon because of the flood plain. They were also told that the 20 ft. right of way was on their property. This was originally an easement to get into an old farm that used to be there.

Mr. L. J. Malcolm, owner of Lot 12, Briar Ridge, stated that the 20 ft. alley would be

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HOWARD F. YOUNG - Ctd.

of no use to anyone because of the terrain. Mr. Harrison put the lock on the gate because the neighbors asked him to, and he gave them a key to it. It was locked to keep people from parking there. He did not believe that people would purchase lots in that area. The alley would be as much trouble to him with two houses built there as with five. People would cross his property to get to the shopping center. Children cut through his property now. He has lived here since 1966.

If this were divided into two lots, the existing house could remain, Mr. Knowlton stated. There would still have to be a variance on the front lot on the frontage on Franklin Park Road.

Mr. Smith moved that the application be deferred to July 30 for statements from the attorney representing the opposition. Seconded, Mr. Barnes. Carried unanimously.

Col. Harrison told the Board that the house which was referred to as a dwelling in the rear of Lot 5 is actually a shed. The owner has the permission to build a shed tacked to the door. He added to the shed and made a two room cottage which is basically unfinished. He did not think that anyone would term this to be a house.

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AUSTIN A. BRADLEY, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 14 ft. from side property line, 2805 West Ox Road, Centreville District, (RE-1), Map No. 25 ((1)) 54A, V-881-68

Mr. Bradley described the existing house as "T" shaped. The existing carport off the back of the "T" would become enclosed for a garage, storage area and screened porch. The house is ten years old and is of cinderblock and brick construction. The addition would be brick veneer. There would be a screened porch off the dining room with storage area for garden tools and lawn mowers and the carport would be enclosed for the garage. The house was built on property deeded to him from the existing family farm. The house has three bedrooms and with four children, he needs more space.

Since Mr. Bradley built the house himself, was there any reason why he put the house at this angle, making additions difficult to come by, Mrs. Henderson asked?

Mr. Curtiss has his home on the other side and he was trying to give him more privacy by locating the house in this manner, Mr. Bradley replied.

Mrs. Henderson suggested that Mr. Bradley get six more feet of land from his mother, however, Mrs. Bradley was reluctant to give any more property.

This land has already been removed from the farm, Mr. Smith pointed out, and to take off a second piece might bring this land under Subdivision Control. To the rear of this and adjacent to this property is R-17 zoning and this application if granted would not adversely affect anyone. The house sits back from the road and this area will not remain in a rural state for many more years. This is a very unusual situation, Mr. Smith stated, and the applicant is a member of the family owning the adjacent property, and they are in favor of the application.

No opposition.

In the application of AUSTIN A. BRADLEY, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 14 ft. from side property line, 2805 West Ox Road, Centreville District, Mr. Smith moved that the application be approved as applied for. This is an unusual situation where the applicant is a descendent of the original property owner. The adjacent parcel is still under family ownership and control. This could not possibly adversely affect the adjacent property owners. The property owner on the right has appeared in favor of the application. The need for additional room for an expanding family by the applicant brings this before the Board. These are two unusual circumstances relating to the land. Seconded, Mr. Barnes. Carried 3-0. Mrs. Henderson abstained, but said that she would probably vote for it were the alternate suggestion pursued, (to get 6 ft. of property from his mother's property, adjoining his.)

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SCHOOL FOR CONTEMPORARY EDUCATION, (Dr. Phillips, Director), application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of private school for the handicapped, approximately twenty children, hours 9-3, Monday thru Friday, 1524 Chain Bridge Road, Lots 1, 2, 3, Block 4, West McLean, Dranesville District, Map No. 30-2 ((7)) (4), 1, 2, 3, S-889-68 (R-12.5)

Dr. Phillips stated that he got the permit for the building which he is in now last year. The school is growing and they wish to purchase the adjacent property which is highly suitable for their purposes. They are the only school of this kind in Northern Virginia. There were twenty children granted in the original permit and they would like to have twenty more in this application. At the present time they have twelve children and two teachers. Sessions are from 9 a.m. to 3 p.m. year round except for August.

No opposition.

July 9, 1968

SCHOOL FOR CONTEMPORARY EDUCATION - Ctd.

In the application of School for Contemporary Education, (Dr. Phillips, Director), application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of private school for the handicapped, approximately 20 additional children, hours 9-3, Monday through Friday, 1524 Chain Bridge Road, Lots 1, 2, 3, Block 4, West McLean, Dranesville District, Mr. Smith moved that the application be granted for the additional building and the additional twenty students, making a total of forty students at any one time. Hours of operation 9 to 3, Monday through Friday, eleven months a year. There shall be a total of ten parking spaces provided for the additional use of the school. All other provisions of the original granting and the Ordinance shall pertain unless waived by the proper authorities. 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 to remain 44.6 ft. from front property line, Lot 19, Indian Run Park, Meyer's Addition, 5209 Redwing Drive, Springfield District, (RE 0.5), Map No. 72-3 ((21)) 19, V-885-68

Robert B. Hood, Jr., represented the applicant. This is an integral part of the building, he said, in that the timbers supporting the balcony extend up into the building. They could be sawed off but this would leave the house with a sliding glass door, and no balcony. The site plan was done by the architect and does not give dimensions from the street to the wall or show the balcony on the house. The engineer did not know that there would be a balcony on the finished house.

Mr. George Foard, the engineer, stated that when the house was sited they had a sketch showing dimensions of the house. Mr. Meyer apparently sent a modified layout putting the house farther back, and they failed to pick this up. When they staked the house they were unaware of the balcony.

No opposition.

In the application of Dean R. Meyer, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 44.6 ft. from front property line, Lot 19, Indian Run Park, Meyer's Addition, 5209 Redwing Drive, Springfield District, (RE 0.5 zoning), Mr. Smith moved that the application be approved as applied for. This is a balcony overhang, an integral part of the dwelling, and for all intents and purposes completed. This mistake occurred through an error or lack of communications between the engineer and the builder. It is on a cul-de-sac which presents an unusual situation. Apparently only a portion of the overhang is in violation. There are no supports under this overhang and there should be no supports planned for it. The building permit was issued prior to construction and apparently it did not show this portion of the house, only the overall dimensions. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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CHESTERBROOK SWIM CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool, picnic area, basketball court and enlarge shower facilities closer to side property line than allowed, 1816 Kirby Road, Dranesville District, (RE-1), Map No. 31-3 ((5)) 1 & 1A, S-887-68

Mr. Chambers of Chambers & Conrad, planners of the pool, stated that the existing facility was built twelve years ago. They will be able to expand their membership from 300 to a maximum of 500 with the additional pools. They will sell only prepackaged foods and softdrinks.

Mr. Woodson reported that he had had no complaints on the present facilities.

Mr. Weihl told the Board that the Church a block away has agreed to allow them to use their lot for overflow parking. Normally their membership is not that large. Visiting teams from other areas use their pool for competitive meets.

Mr. Smith felt that the Board should have a letter from the church indicating that they would make their parking spaces available to the swim club at any time they need overflow parking.

There should be a minimum of 150 spaces for parking, Mrs. Henderson said.

The only way they could expand their parking, Mr. Chambers said, would be to take down the beautiful oak trees.

Mr. Smith said he would go along with having 100 parking spaces on the property with 50 or 60 spaces on the church property if they can get a lease for this.

Mrs. Henderson read a letter from Mr. and Mrs. Mack of 6401 Divine Street, objecting for three reasons -- contaminated water is run off into an open ditch on Divine Street with possible health and flood hazards, loss of privacy, and noise from the loudspeakers.

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CHESTERBROOK SWIM CLUB - Ctd.

It is not true that contaminated water flows through the ditch, Mr. Weihl said in rebuttal, the water is chlorinated. The Health Department prefers for them to do it this way rather than to tie in with the sewer. On the fencing for privacy, children from other areas have walked to school across other people's property. The pool will have privacy fencing in certain areas adjoining those properties to make it less obtrusive but Mr. Weihl said he did not know how he could control children walking across the property to the school. They are having several loudspeakers installed so they can reduce the volume. During the summer they sometimes have teen groups who like to have their own bands. They always notify the Police Department and have two off-duty policemen there to control it. They run till 11 p.m. and this is the only kind of party that has a band.

When the pool is drained, where does the water go, Mr. Yeatman asked?

There is a five inch orangeburg pipe which probably does not show on the plat, Mr. Weihl said. When the filters are backwashed, there is no perceptible odor. The water is chlorinated. The pool is drained in the spring when there is not much water in the pool. The water goes in an underground pipe and does not cross anyone's property.

Mrs. Henderson read the Staff report and added that a fence should be provided along the entire property of the person who objected -- "Recommend the dedication of 10 ft. along Kirby Road to the required 40 ft. from center line and if the required road widening is not constructed at this time, that a 150 ft. deceleration be provided northeastward from the entrance(s)."

Construction would be required at the time they build the pool unless site plan or widening were waived by the Board of Supervisors, Mr. Knowlton informed the Board.
one present in
No/opposition.

In the application of Chesterbrook Swim Club, application under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool, picnic area, basketball court and enlarge shower facilities closer to side property line than allowed, 1816 Kirby Road, Dranesville District, Mr. Smith moved that the application be approved as applied for under the following conditions: parking requirements would be a minimum of 100 parking spaces for a period of one complete season or after the addition is completed and in use, providing that the applicant get permission to have additional parking facilities for 60 cars for overflow parking during swim meets; that the applicant dedicate 10 ft. along Kirby Road to the required 40 ft. from center line and if the road widening is not constructed at this time, that a 150 ft. deceleration lane be provided northeastward from the entrance(s); this will allow the applicant to expand to 500 family memberships and provide facilities as outlined on the plat submitted. It is understood that this parking arrangement is for the time stated and if it does not meet the parking needs of the swim club they would have to provide additional parking spaces on the facility to take care of all users of the facility. All noise shall be contained within the property lines as much as practical -- this means that all lighting, amplified voice, music, etc. shall be amplified in a manner that is distributed evenly through several outlets rather than one outlet; that membership be instructed to use the entrance and roadways to the property and not trespass on others' properties. If this is not successful and if the Zoning Administrator has complaints during this time, screening and additional fencing would be necessary. In any event the screening requirements as set forth in the Ordinance regarding the parking lot adjacent to Kirby Road shall be met. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HOLLIN HILLS CIVIC ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to existing swimming pool, Lot 1, Par. A, Section 1, Hollin Hills, 1600 Paul Spring Road, Mt. Vernon District, (R-17), S-888-68

Mr. John L. Reith described the existing pool as one of the oldest and smallest pools in the County, approximately 14 years old. They wish to widen the pool 18 ft. on the side toward Paul Spring Road and construct a 15 ft. deck. They will at the same time replace the entire filter system and modernize the facility. The existing bath house and fencing will not be changed, and they have no plans for enlarging the membership. The pool is owned by the Hollin Hills Civic Association which has 266 houses, with one or two vacant lots remaining. Present membership has less than 200 families. There are 78 parking spaces in the existing parking areas. Last year they were granted a variance for construction of two additional tennis courts on the south and they have agreed to provide 36 additional parking spaces, making a total of 114. They don't have need for additional parking as the lot has never been filled. They only have small meets at their pool.

No opposition.

In the application of Hollin Hills Civic Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to existing swimming pool, Lot 1, Par. A, Sec. 1, Hollin Hills, 1600 Paul Spring Road, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for; that the applicants in this case have an overage of parking facilities and are not utilizing the existing total space; that the swim club provide 80 parking spaces for the entire operation. All setback requirements contained in the Ordinance shall be met and all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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July 9, 1968

PAUL D. AUSTIN, application under Section 30-7.2.10.5.2 of the Ordinance, to permit construction of building for veterinary practice, animal hospital and related services, Lot 19, D. F. Hanna Sub., off Little River Turnpike, Annandale District, (C-G), Map No. 71-1 ((1)) 19, S-890-68

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Harry Sizemore, attorney, represented Dr. Austin. This tract of land consists of approximately 8,700 sq. ft. bounded by a 30 ft. alley leading into level terrain on one side and the parking lot of a hamburger place on the other side. It is located in an area within a block where J. B. Wilson, Veterinarian, operates an animal hospital. The proposed use of this property would be consistent with the character of the neighborhood.

Mr. Smith inquired about disposal of deceased animals.

The Welfare League will dispose of them, Mr. Sizemore stated. They will have an office at first, pets by appointment only. They will expand into the hospital for pets and possibly boarding facilities after that.

Dr. Austin told the Board that the building would be of masonry construction with 12 inch walls. Everything would be inside of the building. They will put in an odor proofing system with the heating and air conditioning units.

No opposition.

Mr. Smith moved to defer to August 6 for decision only, for additional information on the odor proofing, sound proofing and building plans, and a total of 8 parking spaces acceptable to the Staff. Seconded, Mr. Barnes. Carried unanimously.

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PATRICIAN ARMS NURSING HOME, (St. Michael's Catholic Church), application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home, 7 stories, 300 beds, on east side of Ravensworth Road, Annandale District. (R-10), Map No. 71-1 ((9)) 7A, 8, 9, & 10, S-892-68

Mr. Adelard L. Brault described the application as an extension of the use permit which they have been granted for a 200 bed installation, a five story building, to a 300 bed installation in a seven story building. They are not asking for any conditions other than those which were imposed on April 9, he said.

Mrs. Henderson thought the application was a new one -- a seven story building would require different setbacks.

They are not asking for any variances, Mr. Brault explained. They have moved the building location back a little more. They wanted to have additional parking facilities in addition to the height of the building. They have left the chapel area off of these plans.

At the time of the original granting, Mr. Brault recalled, it was stated that the facility would be operated by the Carmelite Sisters who are presently operating twenty-eight nursing facilities throughout the United States. He again pointed out the need for such facilities in the Northern Virginia area. This is to be a non-profit nursing home and it is anticipated that this will be the last year in which there will be a 55% participation by Hill-Burton funds for construction of medical facilities. After the hearing on April 9, they started processing their application with Hill Burton and found that from an economic standpoint the operation of a non-profit nursing home in Northern Virginia is not feasible with a 200 bed limit. They got the inference that they might not get Hill-Burton funds for a 200 bed facility, and that in order to operate such a facility at a reasonable cost to the patient and meet the public need, it would require 300 patients. They are, in effect, asking the Board for a new permit.

Mr. Sage, architect, stated that they had not physically changed the towered structure for the rooms and the hospital portion of the nursing home. They did, on approval of their clients, decide for economic reasons, to eliminate the chapel. Hill-Burton has many rules on construction and it seemed logical in the development of the new plan to house 300 to retain the general character of the building as last presented to the Board. They have changed the entrance road as the Board recommended. The building is "X shaped" with a center core. One stipulation that Hill-Burton has is that one nursing station can only serve a maximum of 50 rooms. They went up two stories but the basic floor plan stays essentially the same. The dining and lounge areas have been increased somewhat. All dining will be done individually on each floor with food prepared on the first floor. Every room will have a private bath. They have redrawn two of the basic elevations but they feel that the building has somewhat the same character. They want it to be an interesting and subdued structure. There will be a penthouse primarily for the service of elevators. They feel that the property will be thoroughly screened. The corner of the church property is a heavily wooded tract and they are coming into the middle of the area and will not allow any destruction of existing planting. There will be appropriate screening to screen the lower part of the building.

The top of their building will be 48 ft. above Pine Drive, Mr. Sage continued. Total height of the building will be approximately 72 ft. above the first floor level without the penthouse which is about 14 to 15 ft. high.

Mr. Brault introduced Mr. Robert L. Millard, Certified Public Accountant who has audited books for Carroll Manor, the one local facility that is operated by the Carmelite Nuns in Maryland with a capacity of 250 beds. No Hill-Burton funds were connected with that, he said.

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PATRICIAN ARMS NURSING HOME - Ctd.

Mr. Millard gave facts and figures demonstrating the need for such a facility. The higher up the building goes the cheaper it is to run the utility lines, etc. Mr. Millard said. He discussed the rates of other homes in the area as compared to the expected rates of this home.

Father Cassady pointed out the three levels of care envisioned in this facility -- there would be rest home care with nursing supervision; extended care, (co-op program where patients would move from the hospital to extended care facilities), and chronic care, which in many cases goes up to a stay of several years.

There are many non-profit institutions that are operating cheaper than this will operate, Mr. Millard explained, but the big difference is that private homes are not as elaborately constructed and do not offer the facilities which these larger homes have. The larger the home the larger the expenditure. The larger homes have occupational therapists, vocational guidance, etc. where a small home has to go out and buy individual care on an individual basis and the individual has to pay for that himself. These homes are large enough so they can put such a trained person on their staff and run this cost in for federal reimbursement.

This home will provide the service at a lower cost than it could be provided in any other facility, Mr. Millard continued. Smaller nursing homes take only people who require minimum care. These people are actually receiving nothing more than room and board. In such a facility as this proposed one they are set up to take the overflow from the hospitalat a much lower rate. They can give the same intensive care that the hospital gives at a lower rate.

The number of homes approved for Medicare are very limited, Mr. Brault said. Most of the small homes are not approved.

Mr. Harnett, Vice President of the Fairfax Hospital Corporation, emphasized the need for these facilities in the County and the area in general.

Miss Frances Duffy of the Fairfax County Welfare Department told of the Welfare patients in nursing homes. In 1966 there were 38 such patients; today there are 80. There is only one Medicare approved home in Fairfax County and they will take Welfare patients at $350 a month. The others maintain that they can keep their facilities full without having to lower their rates. There are other very good nursing homes who have told them very frankly that they do not qualify for Medicare -- one of those is now building an addition. She has asked some homes point blank if is integration required by Medicare that keeps them from taking patients and they have said that it was. Other counties are having the same problem. Fairfax County does participate with other counties in the nursing home purchased by the District Home Board. That board purchased the Warrenton Home operated as a public home. That facility is now outdated and only takes about 60 patients; 10 from Fairfax County are there now. These patients are going to have to be moved. There are 25 patients in Western State Hospital who could be moved to their own County if they could be placed in nursing homes. Three Fairfax County patients are in nursing homes as far away as Winchester. The Welfare Department is going to have to try to get a public facility because the need is so great.

In 1969 the Hill-Burton in its present form will terminate, Father Cassady stated. Everybody feels sure it will be reinstated in another form with lower federal grants to the State and probably long term lower arrangement and revolving funds. The State could really benefit from the generous 55% funds from the federal level where they will not have the opportunity later on. It is a very economically hazardous proposal to consider 200 beds. 300 beds at $350 would still be running a deficit.

Mr. Brault presented a letter from Dr. Frank Murphy who was not able to be present, encouraging the Board to take favorable action on the application.

Admission to the facility will not be on the basis of race, color or creed, Mr. Brault added.

Opposition: Mr. Malcolm L. Wilson, directly opposite the proposed construction, stated that the applicants told the Board at the original hearing that the size building they were requesting was determined to be economically the minimum practical operation. It was also stated that a facility of much larger size was not soundly manageable; that a 200 bed facility was an ideal size based on experience over the years. The nearest tree line is approximately 300 ft. from his home, Mr. Wilson stated. Why couldn't they move the building closer to Ravensworth Road to drop the building lower? It is well known that the cheapest way to erect a building is to remove the trees -- they can look forward to more trees disappearing. He is not against nursing homes, he said, and if this were to provide a service to their community, he would probably withdraw his objections, however, this would be open to anyone in the State. This is putting a burden on a community in order to serve the State. Would his home remain as desirable with such a facility across from it? Would property values be devaluated?

Mrs. Henderson expressed sympathy with the concern of the opposition and added that if it would be of any consolation to them, she did know that houses have increased in value and sale in the last couple of years on Nevius Street adjoining the Munson Hill Towers and they were opposed at the time.

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PATRICIAN ARMS NURSING HOME - Ctd.

Mr. Nelson C. Pearce, Jr., whose home backs up to the proposed structure, said he had no objection to a nursing home but he did object to the height. How long would it take to fill a 300 bed nursing home, he asked? If it is not filled to capacity right away the financial situation is going to be very bad. He would be in favor of a 200 bed facility.

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Father Cassady assured Mr. Pearce that they would be able to fill the facility as most of the nursing homes in the County have waiting lists. Originally they did think that 200 beds would be a good operation but after reviewing the application with people concerned and on the State level, they have refined their judgment. In assessing the human needs that would be served by this home, the few feet of brick and mortar becomes insignificant. He urged the Board to make a judgment that would be related to the common good of many people as opposed to the will of a common minority.

Mrs. Henderson made note of a letter from the Planning Commission requesting deferral of the application in order to give them a chance to review it and make a recommendation.

The Zoning Administrator has pointed out the fact that the Commission did not have the required time to review this application, Mr. Smith said, and in view of their request he would move that the application be deferred to allow them an opportunity to review it. The Board was guided by the Planning Commission's recommendation on the first application and should have the benefit of their recommendation on the newer facility.

The application to Hill-Burton was filed for a 300 bed facility, Mr. Brault stated. They had to meet a deadline. If this is deferred it may be the end of the facility.

Mr. Barnes seconded the motion to defer to July 30. Carried unanimously.

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S.C.H. ASSOCIATES - (Deferred from June 18) - In view of the problems involved in this application, Mr. Hazel requested another deferral.

Mr. Smith moved that the application be deferred for an indefinite period of time. Mr. Hazel can notify the Zoning Administrator when he is ready to put this back on the agenda and should notify the same people he originally notified, 10 days in advance. Seconded, Mr. Barnes. Carried unanimously.

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LEVITT & SONS - (Deferred from June 18 to see if there is any possibility of putting the tennis court and recreation area under jurisdiction of the citizens instead of part of it being owned by the Park Authority and part by the future pool association.)

Mr. Tooker stated that they had met with Mr. Bell of the Park Authority to discuss the 4 acres in back of Majestic Lane, the area contemplated for tennis courts, and the Park Authority has indicated that they would be happy to relinquish this property to a non-profit organization to operate the pool or any other entity, that they are not adamant about having this land under their control. Levitt & Sons will leave this entirely up to the citizens as to whether they in fact do want this piece of ground to police and maintain.

Mr. Weinfield, President of Greenbriar Citizens Association, stated that he hoped that the use permit for the pool would be granted so it would be available for the summer of 1969 in the area indicated, omitting the tennis courts, and establishing a buffer between the pool site and private lots. The Board of Directors has not been able to sit down and talk with the Park Authority to assess advantages or disadvantages in taking over the entire eight acres.

Mr. Smith sympathized with the home owners who paid premium prices for their lots, having tennis courts in back of them instead of trees as originally anticipated.

He had read the minutes of the BZA meeting of June 18, Mr. Weinfield said, and was impressed with the Board's concern about the cluster concept. He did draft an informal note indicating his thinking to the Board but when he presented this resolution to the membership last night, there was concern about ignorance of cost, and maintenance problems.

Mrs. Henderson felt it advisable to defer the matter again.

Mr. Robert Gayle asked the Board's indulgence in arriving at a decision today. The 8 acre tract was a part of their commitment to the Park Authority, he said, and was part of the land originally designated as recreational acreage required by the cluster concept of zoning. They have agreed to give the entire acreage to the Park Authority but they have said that if Levitt desires to construct a pool for the benefit of Greenbriar residents who might wish to join, they would be willing to have them designate 3.3 acres to a non-profit organization and give them the remaining balance of the 8 acres. The positioning of the tennis courts was strictly an arbitrary position and can be changed. Levitt & Sons are not committed to build a swim club for the community but they are willing to put up $250,000 - $300,000 to build the facility, maintain it and take care of it until they can get enough members to sustain the club on its own. Obviously they are not going

to get the 600 membership for some time. They conducted a survey last year and found that it might take several years to get enough members to sustain this club. A logical amount of land for a swim club is three acres, not eight acres. If the eight acres is included there will be a greater amount of money that is going to be paid by these homeowners for maintenance. In order for them to get the club ready for these people next May, they must pour the foundation this fall.

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Mr. Gayle said he did not know whether they would want to go along with an eight acre site which they would have to maintain for the next three or four years until the Association is strong enough to take over the maintenance and operation of it. They are willing to put the tennis courts within the confines of the swim club but this still leaves the problem of the additional four acres. Perhaps the Park Authority would agree not to put in any kind of recreational facility on this four acres. They do have another tract or will receive another tract from Greenbriar developers (27 acres). They must decide whether or not Levitt will build the pool. If they are not going to build it, they prefer to dedicate the eight acres to the Park Authority and let the Citizens Association work with the Park Authority later on and raise the funds to build a club.

What about the people who paid premium prices for their lots where the trees were removed on the property behind them, Mr. Yeatman asked?

Those trees were removed at the request of the Public Works Department, Mr. Gayle said, in connection with drainage problems. They did not take them down for Levitt's benefit and he did not think there was ever any guarantee that those trees would not be removed. The premium prices were paid for the lots to guarantee that they would not back up to any additional houses. If any of the owners feel that they overpaid for a premium lot, Levitt will gladly refund some of their money. These tennis courts were planned two and a half years ago by the Park Authority.

The primary concern of the citizens is not with the tennis courts, Mr. Weinfeld stated. The primary concern is that they not be in the area designated public park. Another primary concern is that the four acres designated public park not be public park.

The additional acreage would enhance the citizens' position, Mr. Smith said, because there would be land for expansion of the pool site in the future if they need it.

Mrs. Henderson felt that it would be feasible to grant the pool location today, but on condition that it would become effective next April 15, and that before the occupancy permit could be granted there should be fencing on the line between the private and public property. If the public part of the land has not been included in the private part by April 15 then the Board could take moves to separate the two. The parking should be fenced in so it could not be used by the public land.

Col. Combies stated that it was his understanding two weeks ago that Levitt was to come in with a new drawing for the eight acre tract, relocating the tennis courts. Also, they were to show a minimum of 200 parking spaces on the property. The lot owners on Majestic Lane are very sympathetic with Levitt's commitments to the Park Authority which were made some time ago. These lots were bought on good faith and at good prices. It was stated at the last hearing that the trees were removed for construction of the tennis courts. It was stated that they tried to save as many trees as possible but were unable to because of the fill they had to put in and they did have a drainage problem. When these residents purchased their lots they were told that it would be park area and they were not told that this was to be a recreational facility. At no time was it ever told to them that there would be a pool in that area. They want a pool, yes, but they feel it is incumbent upon Levitt & Sons and not the Greenbriar Association should they take over that four acres of public land. They bought their lots in good faith and they bought the trees behind them. They were not told that these trees would be removed, nor were they told that they were paying a premium price not to have houses behind them.

Mr. Smith moved that the application before the Board at the present time be enlarged to include the eight acre tract as platted and laid out before this Board. Seconded, Mr. Barnes.

Mr. Gayle stated that if all the open land were taken over by the Greenbriar residents this would mean that covenants and restrictions would have to be drawn up, recorded and accepted by every single person living in the community. On the other hand, if the additional four acres went to the non-profit association that is in theory now and remains to be set up and established by Levitt, later to be turned over to the membership, this is a different thing. There are 450 families living in Greenbriar now with no possibility of placing any covenant or restriction on these people requiring an assessment from every one living there to support the pool. For those who join the pool association, the assessment would be based on complete membership so that the families who join are not penalized by the fact that the club is not full. He did not think that the citizens would be able to take the eight acres and maintain it, and he doubted whether the swim club would be in a position to do it either because this is too much land for them to have control over.

The vote on the motion resulted in a tie -- 2 to 2, Mrs. Henderson and Mr. Yeatman voting against the motion, and Mr. Smith and Mr. Barnes voting in favor. The Board will vote on July 23 to break the tie and in the meantime the citizens should be trying to work this out.

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July 9, 1968

ROLFS NURSING HOME - Request for extension: Mr. Hazel stated that the first application for the nursing home was premature. In 1965 it looked like Medicare was going to be a boon to the nursing homes but then money got tight and now the whole picture is just beginning to come into equilibrium. One of the real problems they have had is that they had a long term contingent contract subject to financing, final plans, etc. and the purchaser had financial problems resulting in the withdrawal of the commitment.

The interested purchaser of the site, Mr. Trace who operates a home in Maryland, is present and says that he plans to proceed with construction immediately, Mr. Hazel said. They are financially vigorous and do not anticipate any difficulties with financing. This is the same layout and same number of beds as presented to the Board previously.

Mr. Trace told the Board that they have built fourteen nursing homes and the longest period it has taken to build up to 200 beds has been 160 days. Ninty-two per cent of the nursing homes in the nation are privately operated and have proven that they can operate more economically than non-profit groups and build them a lot more economically. They have been able to provide care for over 1,000 patients in Prince Georges County in two years and have done it on a profitable basis, and the Health Department is completely satisfied. He has discussed this with Miss Duffy of the County Welfare Department and they feel that the County and Northern Virginia will need about 800 beds by 1970.

Mr. Smith moved that the application be given an extension of one year. All conditions of the original permit including the number of beds and patients shall be extended to July 10, 1969. Seconded, Mr. Barnes. Carried unanimously.

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SANDRA WARD - riding school: Mr. Thorpe Richards appeared on behalf of Mrs. Sandra Ward whose application for a riding stable on Clifton Road was recently denied by the Board, requesting reconsideration of the matter on July 30.

The applicant would have an opportunity to reappear within a one year period, Mr. Smith said, and if the feeling is the same and if she has ownership of the additional land, then probably there could be some change. It is possible that there may be more information on the highway situation by that time. The evidence which Mr. Richards has presented today is nothing new to the Board and nothing that could not have been presented at the original hearing. There were many objections to this small parcel of land being used to the degree the applicant sought to use it. He moved that the Board deny the request for rehearing. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion.

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HAZELTON LABORATORIES - Mr. Dick Henninger stated that subsequent to approval of their site plan they were requested by the Public Health Service to consider accepting a study which would be conducted by the Health Service but Hazelton would be providing the facilities. This study is presently being conducted in the Taft Engineering Center in Cincinnati and will be moved to the Hazelton Laboratory plant. This would consist of an outside facility for housing cats, containing cages for the cats with covered runs, and screened by a fence. It would be located close to their existing building. There would be 200 cats to begin with and it could be expanded to as many as 500 cats. Hazelton will provide the Health Service with some laboratory space in the building plus providing the facility for housing the animals. The nature of the study is long term effects of low amounts of radiation. This is all carefully controlled and obviously the Department of Public Health is well qualified and interested in the health and safety of the public. He introduced a letter from the Department of Health, Education and Welfare concerning the present project. There have been no complaints from the residential neighborhood located next to this operation in Cincinnati.

The experimental design that this will occupy, Mr. Henninger continued, will be a feeding of what is called a low energy radioactive material to study whether these substances can produce leukemia. These cats are content. They are easy to handle, quiet, clean and do not have the obnoxious noise or odor that one normally gets with dogs. This will be a life study of five or ten years. These are animals that they have raised and will bring here. They realize the possibility of contamination so all wastes produced will be collected, treated and removed to radioactive disposal areas.

The Board praised Hazelton Laboratories for their outstanding contributions to the County and to the world in the form of research.

Mr. Smith moved that Hazelton be allowed to erect the enclosures to house the cats for continued research on radiation and as an adjunct of the building granted previously. Seconded, Mr. Barnes. Carried unanimously.

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E. L. & GLORIA L. PHILLIPS - Mrs. Henderson stated that Mr. Hertz, the attorney for Dr. Phillips, had called her and asked that the Board reconsider the requirement of placing a fence around the entire lake.

July 9, 1968

E. L. & GLORIA L. PHILLIPS - Ctd.

Mrs. Henderson recalled that it did make an odd looking situation with part of the fence out in the water in the back yard of the gentleman who was present, and the other two lots which are not developed would be cut off directly from the lake in the back yards.

If there is not a group, Mr. Smith said, and if the people who use the lake do not pay for it, then none of the restrictions could be enforced. The Board cannot waive fencing requirements on anything that is a community use.

Mrs. Elgin, Lot 17, reviewed the events leading up to the application which was filed by the Phillips'. In March 1967 she called the Zoning Office and was told that if this was a membership type of thing they would need a use permit with restrictions placed on the use of the lake. Dr. Phillips was aware of County requirements and did not apply for a use permit until the citizens complained to the County. There is a $75 annual fee required in order to use the lake, Mrs. Elgin continued.

If he is selling memberships, Mr. Smith said, the Board would certainly have control. This should be cleared up and either he should abandon the use or there should not be any activity allowed there until such time as he complies with the provisions set forth in the use permit. The conditions as set forth in the use permit should not be dropped, Mr. Smith stated. The Board is aware that Dr. Phillips can invite guests and utilize the lake facility but if these people pay membership fees to use it, certainly the Zoning Administrator should stop this until such time as they have complied with the use permit. The people in the area want this to be under control. Mr. Phillips must inform the Zoning Administrator whether he is going to utilize this facility based on the use permit granted, or if he is going to use it as a private lake. There must be written evidence that the lake group has been dissolved or he has to comply with the use permit.

Mrs. Henderson agreed to get in touch with the attorney tomorrow and tell him of the Board's feeling. She will notify Mrs. Elgin to let her know where they stand.

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SOMERSET OLDE CREEK RECREATION - Request for extension of operating hours to 12 midnight on July 13, 27 and August 10 and 24, all Saturdays. In the event of bad weather the following Saturday would be substituted. These activities will be adequately supervised.

This is the same as they had last year, Mr. Woodson noted, and there have been no complaints.

Mr. Smith moved that the same procedure as followed last year be followed this year. Seconded, Mr. Barnes. Carried unanimously.

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PONDEROSA RIDING SCHOOL - Mr. Knowlton informed the Board that one of the requirements of the Staff which was included in the motion granting the application was that a 150 ft. long, 12 ft. wide deceleration lane be provided. Since that time Public Works and the Highway Department have met on the property with Planning representatives and have agreed that this deceleration lane is just about impossible. For that reason and because the sight distance is good in this case, Mr. Knowlton requested that the Board reconsider changing the requirement to a 30 ft. entrance with 40 ft. transitions in both directions.

Mr. Smith moved that the Board accept the Staff recommendation to delete the requirement of the 150 ft. deceleration lane and change the requirement to a 30 ft. entrance with 40 ft. transitions in both directions. Seconded, Mr. Barnes. Carried unanimously.

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CITGO Station, Tysons Corner - Mr. Knowlton presented the following letter which Mrs. Henderson read to the Board:

"July 2, 1968

Mr. John Aylor
Chain Bridge Road
Fairfax, Virginia

Re: Property No. 45-059-024
Route 123 & Tysons International Shopping Center

Dear John:

Confirming our conversation today, please get together with Mr. John Chilton in the Fairfax Planning Department and determine his position relative to the following counter proposal to his request for special changes on our building at captioned location:

1. Our General Office advises that we will agree to widen the fascia (this is the coping around the top of the building) an additional 6".

2. We will also utilize the white sand pebble finish in lieu of the waffle pattern, same to be in panel form at accent points on the building rather than as a veneer over the entire surface of the building. In short, white sand pebble panels would replace waffle panels in a fashion similar to the construction at our Rt. 7 and Aline facility.

3. Our General Office advises that since our triband red stripe is our identifying trademark, it must remain as an integral part of the structure.

When you have determined Mr. Chilton's position in this matter, please advise Mr. Killackey in Tulsa, Mr. O'Malley in Baltimore, and me by copy of said correspondence for my file.

I wish to thank you for handling this matter during my absence and I will expect to be back on the job within two or three weeks.

Sincerely yours,

CITIES SERVICE OIL COMPANY

(S) W. S. Kelly
Real Estate Representative"

Mr. Knowlton reported that this reply from the Oil Company was satisfactory to the various people who had brought it up in the first place.

Mr. Smith moved that the case be closed and that they be allowed to construct according to the above letter. Seconded, Mr. Yeatman. Carried unanimously.

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The meeting adjourned at approximately 6:30 P.M.
By Betty Haines

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

September 20, 1968
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 23, 1968 in the Board Room of the County Courthouse. All members were present except Mr. Yeatman. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

EDWARD TRICE, JR., 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, Section 1, Dewey Park, 7123 Roxann Road, Lee District, (RE-1), Map No. 91-4 ((3)) 1, S-891-68

Mr. Trice stated that his wife would be the operator. They bought the property last October. Mrs. Trice wishes to work at home to be with her two pre-school age children. The nearest commercial beauty shop is at the Rose Hill Shopping Center approximately 3 1/2 or 4 miles away. The customers would probably come from the neighborhood or from the Groveton area where the Trices used to live. Mrs. Trice would only work on Thursdays, Fridays, and Saturdays, with approximately five customers per day. This would be a part time operation. Public water is available. There is no public sewer. Mrs. Trice has worked as a beauty operator in the Hollin Hall Beauty Shop.

Mrs. Henderson read the recommendation of the Health Department in favor of the application.

No opposition.

The application should be amended to include the wife's name, Mr. Smith suggested, since she will be the operator.

In the application of Edward Trice, Jr. and Patricia D. Trice, 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 1, Section 1, Dewey Park, 7123 Roxann Road, Lee District, Mr. Smith moved that the application be approved with the understanding that the recommendation of the Health Department in relation to this use be met prior to use permit or occupancy permit being issued by the Zoning Administrator; that the operation meet all requirements of the Zoning Ordinance pertaining to this application. The Board would suggest that the Staff recommend waiver of site plan if there are no objections since this is in a semi-rural or rural area and is approximately 3 1/2 to 4 miles from the nearest commercial beauty shop. Seconded, Mr. Barnes. Carried unanimously.

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T. DAVID COOPER, application under Section 30-6.6 of the Ordinance, to permit erection of carport and porch 37.4 ft. from Front Royal Road, Lot 215A, Resub. Sec. 1 & 2, Edsall Park, 6733 Front Royal Rd., Springfield District, (R-12.5), Map No. 80-2 ((2)) 215A, V-893-68

T. DAVID COOPER, application under Section 30-6.6 of the Ordinance, to permit erection of open porch 20 ft. from rear property line, Lot 215A, Resub. Sec. 1 & 2, Edsall Park, 6733 Front Royal Road, Springfield District, (R-12.5), Map No. 80-2 ((2)) 215A, V-875-68 (deferred from June 25)

Mr. Cooper asked the Board to consider the application for the carport and porch first - he would rather have this application granted. It would not be feasible to move the whole arrangement back as Mrs. Henderson had suggested, he said, because there is a window in the left rear corner of the house which they propose to make into a door. Moving the carport back 2 ft. would mean that the screen and the porch would be right in the middle of the door area.

Mrs. Henderson asked if the houses on either side of Mr. Cooper's house have carports?

Mr. Cooper replied that they did not.

No opposition.

Mr. Smith moved that the application of T. David Cooper, application under Section 30-6.6 of the Ordinance, to permit erection of carport and porch 37.4 ft. from Front Royal Road, Springfield District, be approved as applied for, and that the application to permit erection of open porch 20 ft. from rear property line, 6733 Front Royal Road be denied. These are two different applications filed at different times and heard at the same time. Seconded, Mr. Barnes. Carried unanimously.

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HENRY H. DEMSKO, application under Section 30-6.6 of the Ordinance, to permit erection of rear porch 15 ft. from rear property line, Lots 63-69 and part 70, Carolena Subdivision,

July 23, 1968
HENRY H. DEMSKO - Ctd.

2318 Chestnut Hill Avenue, Providence District, (RE-1), Map No. 3904 ((1)) 192, V-894-68

He bought the house about four years ago, Mr. Demsko explained, and the porch was rotted out. He braced it up temporarily, and later decided to rebuild it for safety reasons. Instead of replacing the 6 ft. wide porch, he would like to make it 11 ft. wide.

Mrs. Henderson suggested placing the porch on the side of the house, but Mr. Demsko said that would be along the kitchen side where the plumbing and appliances are located and it would be impossible to make a door there. The house is approximately sixteen years old. He would like to make a storage area underneath the porch if this would be permissible.

No opposition.

In the application of Henry H. Demsko, application under Section 30-6.6 of the Ordinance, to permit erection of rear porch 15 ft. from rear property line, Lots 63-69 & part 70, Carolena Subdivision, 2318 Chestnut Hill Avenue, Providence District, Mr. Smith moved that the application be approved as applied for with the understanding that this would be a screened porch and no enclosure other than screen wire. A storage area beneath the porch would be satisfactory to the Board. Seconded, Mr. Barnes. Carried unanimously.

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DONALD S. DEPUE, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed, Lot 15, Section 1, Westmoreland Heights, 6605 Orland Street, Dranesville District, (R-10), Map No. 40-2 ((19)) 15, V-895-68

The carport was constructed in 1955 by Mr. Perkins who then owned the house, Mr. DePue stated. At the time he purchased the house he discussed the carport with Mr. Perkins and was assured that it could be enclosed with no problems as Mr. Perkins had obtained a variance from this Board. The carport has never been used as a carport because the posts are set too far in. Mr. DePue was in the process of enclosing it when an inspector informed him that he was in violation. The front has been panelled to conform to the construction of the house. The rest of it will be aluminum siding. This will be used as a storage area.

No opposition.

In the application of Donald S. DePue, application under Section 30-6.6 of the Ordinance, to permit existing carport to be enclosed, Lot 15, Section 1, Westmoreland Heights, 6605 Orland St., Dranesville District, Mr. Smith moved that the application be approved as applied for. The applicant purchased the property eleven years ago from Mr.Perkins who obtained a variance for the open carport. Apparently, Mr. Perkins constructed the carport without a building permit and in the process of correcting the error was granted the variance to have it remain 5 ft. from the property line. In redoing the carport it prevented having a car in it and it has never been utilized as a carport. Having been told by the previous owner that it could be enclosed, the applicant has almost completely enclosed this useless carport for storage purposes. The structure has been there for many years. The applicant has owned the property for a long time and will continue to live here, and the mistake was not made by this owner. He moved that the applicant be allowed to complete the construction as indicated and there should be no additional construction other than what has been indicated. Seconded, Mr. Barnes. Carried unanimously.

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The Board was now ahead of the scheduled agenda so Mrs. Henderson noted a letter received from Mr. Hertz, attorney for E. L. and Gloria Phillips, regarding an application which was granted for a community lake. The letter read as follows:

"July 22, 1968

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

Re: E. L. & Gloria Phillips - Application for Use Permit - Vale Spring Woods Lake

Gentlemen:

This is to advise you that the request for the above referred to application for a use permit is being withdrawn by the applicants.

I am advised by Dr. Phillips that he intends to retain ownership of the lake in his own name and that he will continue to allow only his guests to use the lake facilities.

There will be no association or any other group with any right to use the lake facilities nor will there be any dues or monetary requirements levied by Dr. Phillips as a part of the use of the lake by his guests.

Dr. Phillips intends to control the use of the lake by his friends and guests in strict conformity with the regulations previously discussed before the Board.

I greatly appreciate your courtesy extended in this matter.

Very truly yours,

(S) A. Burke Hertz"

Mr. Smith moved that the permit granted by the Board on June 25, 1968 to E. L. and Gloria L. Phillips be rescinded after due consideration, at the request of the applicant's attorney. Seconded, Mr. Barnes. Carried unanimously.

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The Board considered the request of YOUNG ASSOCIATES, (Mary Edelin property on Vale Road) for an extension of their permit to December 19 due to work being done on their subdivision plans.

Mr. Barnes moved that the Board grant an extension to December 19, 1968. Seconded, Mr. Baker. Carried unanimously.

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Mrs. Henderson informed the Board that the property contained in the application of LEVITT & SONS for a community pool was set aside specifically for a private recreational club and was not a part of their open space requirement nor part of the subdivision.

Probably the citizens had been misinformed, Mr. Smith said, as it has always been his thought that this land was set aside as part of the open space requirements.
After discussing this briefly, the Board proceeded to the next scheduled item on the agenda.

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JAMES E. HOOPER, application under Section 30-6.6 of the Ordinance, to permit erection of office building 31 ft. from Chestnut St., 7121 Leesburg Pike, Providence District, (CDM), Map No. 40-3 ((1)) 103, V-896-68

Mr. Hooper apologized for not having his key witness present, (he was in court, Mr. Hooper said,) and requested deferral to August 6.

Since the August 6 Agenda had been filled, Mr. Smith moved to defer to September 10. Seconded, Mr. Baker. Carried unanimously.

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Since the Board once again found themselves ahead of the scheduled agenda, they discussed a letter from Mr. Radigan regarding the motion which was passed on the application of National Memorial Park June 25, 1968.

Mr. Smith read the motion that was passed. The 25 ft. and 40 ft. are specific requirements of the Ordinance, he said -- that is what the mover said and the Board meant. The motion stands. The 200 ft. setback refers just to mausoleums. The Board concurred.

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SHERROD E. REA, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 41.6 ft. from Maryland St., and 13.6 ft. from side property line, Lots 1 & 2, Block 11, Mt. Vernon Hills, Mt. Vernon District, (R-17), Map No. 101-4 ((10)) (11) 1 & 2, V-897-68

Mr. George J. Kenny represented the applicant. The subdivision was recorded in 1938 or 1939, he said. The variance requested is for a 41 ft. setback from Maryland Avenue rather than the required 45 ft. They have designed a 24' x 48' house for the lot. This would not be encroaching on the neighbors' rights or be detrimental to anyone in the area. Mr. Kenny said that he is the contract owner.

Does the builder own any lots adjacent to this one, Mr. Smith asked?

Mr. Kenny stated that he did not.

Opposition: Mr. Mizelle gave some history of the property. Approximately six years ago he became interested in some property in the area and acquired it through foreclosure. For a period of 4 1/2 to 5 years he struggled with the Zoning Department and others in the County about the R-17 restrictions. He was held down to developing the streets and building homes with

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SHERROD E. REA - Ctd.

R-17 restrictions. He made variance applications some five years ago on certain lots and all were denied.

Part of Mr. Mizelle's problems were drainage problems, Mrs. Henderson commented.

Those problems have all been corrected, Mr. Mizelle said.

On some of those lots, Mr. Smith pointed out, Mr. Mizelle owned adjacent land.

This property turns out to be the only piece left, Mrs. Henderson explained, so unless the Board grants a variance to build on it, it would become an unusable piece of land which really is amounting to confiscation. There is no way of acquiring any more land to make this lot larger.

Mr. Mizelle stated that he had tried to buy these lots to give to his daughter whose home is adjacent to it. If he is required to set back 45 ft. why grant something different to someone else, he asked? When he came in to build on the corner, he was told he had to stay 45 ft. back.

This is because Mr. Mizelle owned adjacent property, Mrs. Henderson said.

Mr. Mizelle got control of land other than a few of the lots that were foreclosed on, Mr. Smith said, and when he came to the Board for a variance he sought many variances which this Board does not have authority to grant. This is a different case entirely.

Mr. Kenny knew the restrictions on this site before he came here, Mr. Mizelle contended, as he was employed by Mr. Mizelle at one time.

Mrs. Henderson read a letter from Mrs. M. Bell Watson in opposition to the "rezoning". (This is not a rezoning, Mrs. Henderson noted.)

Mr. Roger Powers, resident of the Washington area for twenty years, stated that he had just purchased a home from Mr. Mizelle. He objected to any change which would not conform to the rules of Fairfax County.

There are two alternatives in this case, Mrs. Henderson explained -- one would be to cut the size of the house down to about 20 ft. wide and this could be done by right. The smaller house would meet the setbacks but it would not be in keeping with the character of the neighborhood. What would Mr. Powers suggest be done with the land, she asked? It would be illegal to confiscate the land. The lot is there and nothing can be done to make the size of it larger. The Board cannot confiscate property by prohibiting anything to be built there. Would it be preferable to have a smaller house built there by right?

Mr. Powers said he would have no objection if the applicant were someone who had owned the land for a number of years, but this is speculation in this case.

Mrs. Charles Maynor, resident at the corner of Maryland Avenue and Route 235, stated that she had resided here for many years. The houses in the area which are built on three lots already have the appearance of being crowded. This application, if granted, would set a precedent in the area. The road is going to have to be widened someday and where is the land going to come from to widen it? The citizens are opposed to changing the restrictions in any way, she said. Mr. Kenny bought on speculation. She was sure that he is familiar with the County rules and regulations. The wishes of the citizens who have lived in the area and paid taxes for twenty years should take precedence over someone who recently purchases on speculation, however, the County does not consider the citizens.

Would you prefer a smaller house or anything that would fit on the lot and could go there by right but would be out of character with the neighborhood, Mrs. Henderson asked Mrs. Maynor? The proposed house would not take up the entire lot by any means. It is only taking 3 ft. off on one street. It would be just as far off Vernon Avenue as Mrs. Maynor's house is. This Board is set up specifically to make authorized exceptions to the rule, she explained, and is governed by the strict rules of the Ordinance. There is no more land available to make this lot larger. The Board cannot confiscate land from an owner or contract owner. If someone would like to buy this property and maintain it in open space, this would be fine, but someone has to pay taxes on it.

The statement by Mrs. Maynor about the County not considering the wishes of taxpayers who have paid taxes for twenty years is very unfair and incorrect, Mr. Smith said. This Board tries to the best of their ability to render decisions based upon information before them and the Ordinance that governs and guides them to the best interests of health, safety and welfare of all the citizens in the County. Apparently there is some animosity between Mr. Mizelle and the contract owner.

Mr. Knowlton reported that there are no plans for widening the road. The right of way now is 50 ft. and a four lane highway can be put in 48 ft. so the road could be widened quite a bit without the acquisition of any additional land.

Mrs. Phillips, Mr. Mizelle's daughter, stated that although they have no desire to see that a house is not built on the property, they would like to ask that any house be built in accordance with the same rules and regulations which they had to go by.

Mrs. Henderson pointed out that Mrs. Phillips' home only had one 45 ft. setback to meet. The lot in question is a corner lot and must meet two 45 ft. setbacks. Under the terms of the Ordinance, a corner lot has no rear yard, but two fronts and two sides.

As long as the proposed house will conform to present requirements, they would be very happy with it, Mr. Mizelle stated.

Mrs. Donald Murray, new resident of Fairfax County, asked that this property meet the same requirements as their house had to.

Mr. Kenny described the proposed house as a split foyer which would sell for around $37,000 which is about average cost for houses in the area.

Mr. Smith moved that the application of Sherrod E. Rea, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 41.6 ft. from Maryland Street, and 13.6 ft. from side property line, Lots 1 and 2, Block 11, Mt. Vernon Hills, Mt. Vernon District, be approved for the following reasons: these are two lots under the same ownership or contract purchase by the applicant. There is no adjacent land under the same ownership nor has there been. There is no additional land available to enlarge these two lots which are corner lots. The house proposed is one in keeping with the character and development of the area and should be in harmony with the general intent and development of the area. It might be pointed out that a smaller house could be constructed on this lot by right which would not be in keeping with the intent of the Zoning Ordinance because of the size of the house -- would not be in harmony with present development or proposed development for the area. This proposal will not in any way adversely affect the subdivision in its entirety or the adjacent property owners. It is understood that the 1.6 ft. overhang is a roof overhang and not a cantilevered portion of the house. Size of the house will be 24.8 ft. x 48.1 ft. This meets all ~~four paragraphs~~ of Section 30-6.6.5.1,2,3. of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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ALEXANDRE CYMES, application under Section 30-6.6 of the Ordinance, to permit addition for storage area 8.4 ft. from side property line, Lot 17, Oliver Knolls, 4007 Patricia St., Annandale District, (R-12.5), Map No. 60-3 ((30)) 17, V-898-68

Why couldn't the storage area be put directly in back of the carport, Mrs. Henderson asked?

Because there is a drainage problem there, Mr. Cymes replied. Water runs through the carport now. He has owned the property for 5 1/2 years. He would like to place the storage area as shown on the plat as this is the best location for it.

No opposition.

Mr. Smith moved to defer to September 10 to view, to get some idea of the water problem. Seconded, Mr. Barnes. Carried unanimously.

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MAYWOOD BUILDING CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage treatment plant, off West Ox Road opposite Navy Elementary School, Centreville District, (RE-1), Map No. 35 & 36-1, part Par. 10, S-899-68

Mrs. Henderson announced that due to certain problems, the property has to be readvertised and reposted. (The wrong parcel number was given to the office by the applicant.)

Mr. Smith moved to defer to August 6. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Knowlton informed the Board that because of ditch and drainage problems, it is neither practical nor will the Highway Department approve the installation of a 150 ft. deceleration lane that was a requirement in the motion granting the CHESTERBROOK SWIM CLUB application.

Mr. Smith moved that the motion granting the Chesterbrook Swim Club application be amended to delete the requirement pertaining to the construction of a 150 ft. deceleration lane northeastward from the entrance. Seconded, Mr. Barnes. Carried unanimously.

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SOUTHLAND CORP., application under Sec. 30-6.6 of the Ordinance, to permit erection of building 17.7 ft. from side property line, south side of Blake Lane, approx. 200 ft. west of Lee Hwy., Providence District, (C-N), Map No. 48-3 ((1)) 33, V-900-68

The applicant's agent requested deferral as the notices had not been sent out.

Mr. Smith moved to defer to September 10. Seconded, Mr. Barnes. Carried unanimously.

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WALTER H. LOCKOWANDT, TRUSTEE & SUN OIL CO., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, west side of Gallows Road, approximately 300 ft. south of its intersection with Cedar Lane, Providence District, (C-D), Map No. 39-4 ((1)) 3, S-904-68

Mr. Knowlton described the proposed redesign of the intersection in which the design of

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WALTER H. LOCKOWANDT - Ctd.

the service station will correspond.

Mr. John T. Hazel, Jr., represented the applicants. The station was approved by the Board on April 23, 1968, he stated, and this application is the same as that application except at that time the station was out on the point of land. This will still be for a three bay colonial brick station. Since the first application was approved, the Highway Department has revealed plans for major road improvements in the Dunn Loring area. The closing of Cedar Lane will render the site that was originally approved totally destroyed for utility as a service station. The Highway Department has indicated that they will vacate the right of way of existing Cedar Lane, Mr. Hazel continued, and this will change the shape of the land. About 10 acres of land in this area is zoned C-D.

Mrs. Henderson read the recommendations from Mr. Pammell's office.

With all due respect, Mr. Hazel said, he would decline to accept any of Mr. Pammell's limitations if they are not a part of the existing Ordinance. They will meet all requirements of the Ordinance. They went to a great deal of trouble to accommodate Mr. Pammell's suggestions on location due to road changes.

Mr. Vanderwende spoke in favor of the application. Regarding the discussion of the proposed sign ordinance, he said it would be a gross mistake to limit all window signs as churches find the service station windows an ideal place for displaying their signs.

Mrs. Henderson felt that the sign ordinance would not restrict temporary signs of this nature. She was not sure that she would call a community notice a sign, she said.

No opposition.

To impose a new policy at this time which is not a part of the Ordinance would be a little drastic, Mr. Hazel said. They would comply with all the requirements of the existing ordinance but should not be held to an ordinance which has not been adopted.

In the application of Walter H. Lockowandt, Trustee and Sun Oil Company, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of gasoline service station, west side of Gallows Road, approximately 300 ft. south of its intersection with Cedar Lane, Providence District, Mr. Smith moved that the application be granted for a gasoline service station only, approved with the following conditions: this application is approved in lieu of an application approved by this Board on April 23, 1968. Because of highway changes in the area, it was not possible to develop that property as originally indicated. The applicant must carry out the staff recommendation for all necessary road widening dedication at this site and the dedication of Oak Street-Cedar Lane connection in accordance with Mr. Camper's letter (Highway Department) of May 3, 1968, plus dedication and/or easements for necessary sidewalk, curb, etc. There shall be only one freestanding sign permitted, and all lighting on the property shall be directed so as not to overflow onto the adjacent properties under other ownership. It has been pointed out by the applicant that every effort will be made to attractively landscape the premises. All other provisions of the Ordinance pertaining to this application shall be met. The general intent of the motion was that this be a three bay brick service station for gasoline station use only. If Sun Oil does not locate here, the applicant shall inform the Zoning Administrator so that this may be noted in the records. Seconded, Mr. Barnes. Carried unanimously.

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VICTOR PERRY, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of a dinner-dance hall in existing restaurant, 8385 Richmond Highway, Mount Vernon District, (C-G and R-17), Map No. 101-3 ((1)) 25, Application No. S-906-68

Mr. Perry stated that he operates an Italian-American restaurant and would like to have a place for his customers to dance. The restaurant has been in operation for many years. He would not change his normal hours. Capacity of the restaurant is about 377 persons. He proposes to have dancing for approximately 100 people. At present he does have private parties where people dance but he would like for his customers to be able to dance also.

Mr. Smith felt that the application should be deferred to allow the applicant to get new plats showing the parking located in the commercial area. The Board cannot grant parking in a residential zone. The existing building is non-conforming in setback. The Board would recommend that 7 ft. of this front property be dedicated for road widening and constructed. There is no room for a service road. Perhaps the Board should view the property -- this is an old operation.

Mr. Perry stated that he leases the property from Mr. Thompson, the owner. There are 79 parking spaces now and they have never had any parking problems even with 300 people in the restaurant at one time.

The operation can continue in the non-conforming status using the existing parking, Mr. Smith explained, but in asking for use permit this brings it into a new category. The parking would have to be in a commercial zone. He felt that the new plats should show 100 parking spaces in the commercial zone and the Staff recommendation for 7 ft. dedication across the front of the property for widening of U. S. #1 certainly should be included in the use permit.

VICTOR PERRY - Ctd.

The dancing would take place in a specific room of the building with a separate menu and a separate entrance for these customers, Mr. Perry stated.

Mrs. Henderson suggested deferral to September 24 to give the applicant an opportunity to think about this and if he decides it is completely uneconomical or unfeasible, then he could continue to operate as he now operates.

No opposition.

Mr. Smith moved to defer to September 24, 1968 for new plats showing the parking in a commercial zone and for the applicant to find out about the dedication etc. Seconded, Mr. Barnes. Carried unanimously.

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LEVITT & SONS, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of community swimming pool, intersection of Middle Ridge Drive and Point Pleasant Drive, Centreville District (deferred from July 9 to resolve a tie vote.)

Mr. Smith withdrew his motion of July 9 in view of the statement made earlier by Mrs. Henderson that this land was not a part of the open space requirement and was not intended to be. This was not brought to the Board's attention at the original hearing.

Mr. Weinfield stated that Mr. Robert Barrow who had asked to speak in opposition at this hearing had turned over the petitions which he sent out in opposition, resulting in a total of 211 signatures in support of the use permit and 41 opposed. Mr. Barrow's point was that this would be making a private club out of required open space in the cluster zoning which should have been available to everybody, but it turned out that this was not part of that required area. Mr. Barrow has been informed that he was in error. The citizens association members and non-members were polled -- eight per cent were in favor of granting the use permit. They have looked into the cost factors presented and have had a study of cost factors by the pool committee. All of their investigation found that the figures given by Levitt & Sons were well within the figures given by other pools in the area.

Mr. Fitzgerald, representing Levitt & Sons, Inc., assured the Board that they would not build the tennis courts as originally planned. They would, however, like the Board's approval of the pool so they can proceed with construction.

The Chairman of the Greenbriar Pool Committee reported on their investigation regarding cost of construction, membership dues, etc. Levitt's proposal is a very attractive one, he said, and the figure of approximately $400 a share expected for this pool is well within the range of $225 - $500 required by other pools.

Mrs. Henderson read a letter in support of the pool from Mr. and Mrs. Michael Coyne, residents of Greenbriar.

Mrs. Sherry Alestein and an unidentified lady, both residents of Greenbriar, urged the Board to grant the permit for the swim club.

Mr. Smith moved that the application be deferred to October for additional information from the Park Authority to see if there would be additional land available without cost to some citizens group in the Greenbriar development now or in the future since this is a 1300 home development and could very well need additional pool space. There was no second to Mr. Smith's motion.

In the application of Levitt & Sons, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit construction of community swimming pool, intersection of Middle Ridge Drive and Point Pleasant Drive, Centreville District, Mr. Barnes moved that the application be granted to allow construction of swimming pool with a 6 ft. chain link fence around the entire 3.3908 ac. to cut it off from the other property; 200 parking spaces must be provided. All other provisions of the County code and State code must be met. Along the two streets the fence should be set at the 40 ft. setback line and along the property line on the other two sides. Seconded, Mr. Baker. Carried 3-1, Mr. Smith voting against the motion.

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Mr. Darrell Winslow of the Northern Virginia Regional Park Authority discussed their plans for the Fountainhead property. They are working with the Scouts trying to build up the extensive trails throughout the property. They have temporary toilets now and are using this area for club camping or group camping. They have run soil tests for comfort stations and before next summer they hope to have a comfort station next to the large parking lot. When all the parking lots have been completed, they will have parking for over 600 cars. At the present time they only use the park for reservation type facilities. There are no full time personnel there and that is why they run it on a reservation basis. No boats are being used there now. It depends on a number of things whether or not they get into the marina operation.

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Mrs. Henderson read a letter from Moose Lodge 1076 in Alexandria requesting an extension of their use permit.

Mr. Smith moved that the permit be extended one year -- to August 1, 1969. Seconded, Mr. Barnes. Carried unanimously.

The meeting adjourned at 5:00 P.M.
By Betty Haines

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

September 20, 1968
Date

A special meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 30, 1968 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.

EUGENE L. CARLISLE, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 20.8 ft. from rear property line, Lot 8, Oak Knoll, 7305 Poplar Court, Providence District, (R-10), Map No. 50-3 ((13)) 8, V-908-68

Mr. Carlisle stated that his home has no basement and he needs a recreation room for his children to entertain their guests. They have lived in this home for thirteen years and plan to continue to live here. They have three children at the present time and are expecting another child in a few months. They have four bedrooms. If he built it to meet the setbacks, he could only have an 8 ft. wide room. All the neighbors are in favor of this proposal with a variance.

One of the unusual things about the lot is that the side lines are on a slant. If it were the same distance from the front corner straight up, he could probably put this on the side by right, Mrs. Henderson said.

No opposition.

In the application of Eugene L. Carlisle, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 20.8 ft. from rear property line, Lot 8, Oak Knoll, 7305 Poplar Court, Providence District, Mr. Yeatman moved that the application be granted due to the irregular shape of the lot and because of the topography problem. Seconded, Mr. Baker. Carried unanimously.

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Mrs. Henderson read the following letter from Brentwood School:

"July 24, 1968

Mr. J. O. Woodson
Zoning Administrator
4000 Chain Bridge Road
Fairfax, Virginia 22030

Dear Mr. Woodson:

This letter is to confirm our telephone conversation as of July 24, 1968 relative to the operation of a school at 3725 Nalls Road.

I stated to you that there has been considerable work done to the property at 3725 Nalls Road to conform with requirements necessary to operate a Private School there -- County sewerage hook-up, new bathrooms added, water fountains, etc.

In addition to the above to get the school ready for operation for the 1968-69 School Session, I have had 180 tons of gravel put on Nalls Road. Nalls Road runs from Old Mt. Vernon Road to my property. About 100 ft. of this road directly in front of my property will have to be drained before anything further can be done to it. I have already contracted to have a drainage put in for this section of the road. I had an extra two tons of gravel put in this section, but it sank in and mud came in on top.

I find, however, that there will not be time to get this road completely fixed before the 1968-69 School Session begins. Therefore, I have decided to have only half-day sessions (morning classes of 30 to 35 students) for the coming year.

Taking in consideration what I have already done and the time limit I hope you will permit me to operate on this schedule for the coming year without further maintenace of this road. The half day schedule described above will entail only two runs per day over this road, (a morning delivery and a noon pick-up) since I will be transporting the students by bus from my present school which is nearby.

Your consideration on the above request will be greatly appreciated.

Sincerely yours,

(S) John E. Crouch, Owner-Director"

Mr. Baker moved that the Board grant the request contained in the above letter. Seconded, Mr. Yeatman. Carried unanimously.

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July 30, 1968

A. J. & ELIZABETH D'AMBROSIO, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 4 ft. from side property line, Lot 9, Block 8, Riverside Gardens, 8426 Master Court, Mt. Vernon District, (R-12.5), Map No. 102-3 ((10)) (8) 9, V-909-68

Mrs. D'Ambrosio stated that they wish to construct a carport in order to get one of the cars off the street and for storage of bicycles and lawn mower which are now kept inside of the house.

Why not build a detached garage in the rear yard which would not require a variance, Mrs. Henderson suggested?

The neighbors would not like a garage in the rear yard, Mrs. D'Ambrosio said, they prefer to leave the back yards open.

Mr. Driscoll, adjacent neighbor, spoke in favor of the application. Putting a garage in the rear yard would not be in keeping with the neighborhood, he said, and it would not be practical to put the carport on the other side of the house because the driveway and doorway are both on this end of the house.

No opposition.

Mr. Baker moved to defer to September 24 for decision only, to view the property. Seconded, Mr. Yeatman. Carried unanimously.

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C. E. REID, JR. et ux, application under Sec. 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Old Dominion Drive, approximately 300 ft. east of Springhill Road, Dranesville District, (C-N), Map No. 20-4 ((1)) 27 & 28, S-910-68

The property was rezoned for service station use on May 8, 1968, Mr. Marc Bettius stated. Mr. Reid has been a lifelong resident of this area and a significant developer in this area. He is developing homes in the immediate vicinity of the proposed service station ranging from $70,000 to $100,000. Mr. Reid has removed the grade and leveled it off and has offered more than one acre of land for a fire station as indicated on the County Land Use Plan. He has set the location of the service station back more than 100 ft. to aid the traffic situation on Old Dominion Drive. He has agreed to dedicate 20 ft. to existing Old Dominion Drive and in addition construct 22 ft. travel lane. This will be a two bay, possibly three bay, station with entrance from the side. It is Mr. Reid's intent to make this a truly Colonial station with bay windows in the front. He has not committed himself to any franchise yet but he is ready to build the structure when he finds someone who will allow him to do it the way he wants to do it.

No opposition.

In the application of C. E. Reid, Jr. et ux, application under Sec. 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, north side of Old Dominion Drive, approximately 300 ft. east of Springhill Road, Dranesville District, Mr. Smith moved that the application be approved with the following conditions: that the general design and layout as presented to the Board be followed. It is understood that the station will be of colonial design with a maximum of five bays. This is for service station uses only. That the applicant dedicate 40 ft. from center line of Old Dominion Drive and that site plan be submitted meeting all County requirements. Travel lane is to be extended to the east property line. All other provisions of the Ordinance pertaining to this application shall be met. Granted for up to five bays. It has been normal procedure of the Board to limit new stations to one freestanding sign and this should be included as part of the motion. Seconded, Mr. Barnes. Carried unanimously.

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WASHINGTON TESTING SERVICES, INC., application under Section 30-3.4.5 of the Ordinance, to permit erection of industrial building closer than 100 ft. from existing buildings which are actually occupied as dwelling houses, 2930 Eskridge Road, Providence District, (I-L), Map No. 49-3 ((1)) 94, V-911-68

Mr. Fillebrown, owner of the property and President of the Washington Testing Services, Inc. stated that he proposes to build the building. The property was rezoned by the Dunns prior to his purchase of it. He bought it in May or June. The Company is located in Alexandria at the present time, and he would like to move it out to Merrifield. This is a clean operation. They test concrete specimens. There will be no chemical testing at all, no use of explosives etc. Most of the work is compression testing. The Planning Commission granted them a waiver but it was rescinded when they discovered that the houses were occupied as dwelling houses.

Mrs. Henderson informed the Board that Mr. Wood (2926 Eskridge Road) and Mr. Vincent (3605 Chain Bridge Road) have noted that they have no objection to the new building being constructed as located and indicated on the plan without any planting or screening between their property.

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WASHINGTON TESTING SERVICES, INC. - Ctd.

It seemed as if this piece of the Ordinance is inconsistent with the rest of the paragraph that if the adjacent property is in an area planned for industrial or commercial that setback waivers could be made, Mrs. Henderson said, but if it happens to have someone occupying that property it negates all that has been said.

The Woods occupy their property, Mr. Fillebrown told the Board. They were going to sell three weeks ago but the sale did not go through. They are definitely in the market to sell their property for industrial use. At the time the property was rezoned, the Woods did not occupy the house. The proposed building cannot be moved farther back or it will be in the flood plain. The County has a 25 ft. easement for a 12" sewer line running on the far side of the creek which cannot be built upon.

The hardship in this case is evidenced, Mrs. Henderson said. The Board can consider the phrase in the hardship section of the Ordinance which says that they should include some unusual feature of development on existing land. The unusual development is that there is a residence in an I-L zone. This puts the applicant in a hardship case -- he is minus 204 ft. to build even a pencil sized building there.

There have been many variances granted in this area due to this same general situation of long narrow parcels of land, Mr. Smith said. The applicant acted in good faith when he purchased the land and when he went to the Planning Commission they granted a waiver due to the unusual situation of one parcel being rental property and the other under contract to be sold for industrial use.

No opposition.

In the application of Washington Testing Services, Inc., application under Section 30-3.4.5 of the Ordinance, to permit erection of industrial building closer than 100 ft. from existing buildings which are actually occupied as dwelling houses, 2930 Eskridge Road, Providence District, Mr. Smith moved that the application be approved as applied for, for the following reasons: there are a series of unusual circumstances surrounding this application. The applicant purchased the property in good faith and it was rezoned with the knowledge as to what the use would be. The Planning Commission granted a waiver to the applicant, then reversed itself simply because the houses have been re-occupied or the status of sale has changed. The applicant plans to move his operation from an adjoining jurisdiction to this property and it must be done in less than a year. This property is in a Master Plan for this type of use. It is a very narrow lot. The use is a very limited one -- testing of concrete pressure, and does not include the use of any explosives or chemicals. This use would not be hazardous to the general health and welfare of the adjacent properties. This is based on the hardship section of the Ordinance. The motion should be conditioned upon the approval of the Building Inspector and Health Department. The existing building being a part of this parcel of land and having been in use a number of years as a residence should be allowed to remain and be used by the applicant for office uses with the condition that it meet all County codes in connection with Building and Health standards. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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GUY BEATTY & STONEY D. ELMORE, application under Section 30-6.6 of the Ordinance, to permit erection of office building 50 ft. from side property lines, south side of Leesburg Pike, approx. 1000 ft. west of George C. Marshall Drive, Providence District, (C-O) Map No. 39-2 ((1)) 47, V-916-68

Mr. John T. Hazel, Jr., represented the applicants. The variance is being requested to enable the applicants to construct a five story office building on Route 7 just east of the Beltway, he explained. The property was zoned to C-O on May 15, 1968. There has been a slight reduction in the variance request. The building can be constructed with 53 ft. setback on either side rather than 50 ft. The building will be built in two separate units -- there will be five stories with basement and five stories without basement on the lower unit. The building breaks one story in the middle. All other requirements of the Ordinance will be met.

No opposition.

In the application of Guy Beatty & Stoney D. Elmore, application under Section 30-6.6 of the Ordinance, to permit erection of office building 50 ft. from side property lines, south side of Leesburg Pike, approximately 1,000 ft. west of George C. Marshall Drive, Providence District, Mr. Smith moved that the application be granted in part, to allow the applicants to construct a building 53 ft. from side property lines, that the applicants will provide 12 ft. median, 26 ft. service drive and sidewalk for the full frontage of the property and that the applicant make dedication for these improvements. Screening will be required at the rear and along both sides. Parking would be required, at least four spaces for one thousand sq. ft. of floor area, or approximately 450 spaces. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RAY M. VAN HOOK, application under Section 30-6.6 of the Ordinance, to permit porch to be enclosed 30 ft. from Rollins Drive, 1601 Rollins Drive, Lot 14, Blk. 17, Sec. 4, Buckhnell Manor, Mt. Vernon District, (R-10), Map No. 93-4 ((2)) (17) 14, V-917-68

RAY M. VAN HOOK - Ctd.

Mr. Douglas Mackall III represented the applicant. The applicant bought the house with the screened porch about 7 1/2 years ago. He would like to enclose it.

No opposition.

Mr. Smith moved to defer to August 6 for proper plats -- certified plats showing the house location and location from all property lines the proposed enclosure. Seconded, Mr. Barnes. Carried unanimously.

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COMPUTER AGE INDUSTRIES, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school, more particularly, a computer operator training school, 8800 Arlington Blvd., Providence District, (RE-1), Map No. 48-4 & 49-3 ((1)) 39, S-918-68

Mr. Thomas Lawson did not have proof of proper notification. The Board proceeded to the next case while waiting for him to take care of this.

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DEFERRED CASES

MARIAN BRADBURY, application under Sec. 30-7.2.8.1.1 of the Ordinance, to permit training of dogs, maximum of 10 dogs, 12 noon to 4 p.m., six days a week, 11025 Oakton Road, Centreville District, (RE-1), Map 47-3 , ((1)) 53, S-880-68 (deferred from June 25)

(Deferred for new plats showing proposed runs, proper fencing, Health Department approval of waste disposal method and copy of insurance policy)

Mr. Black stated that they had talked with the Health Department and have agreed on an acceptable system consisting mainly of sweeping up the wastes daily, putting them in bags and carrying them to the County dump to be disposed of. Liquid wastes would be disposed of by hosing them down into a drain area. Mr. Black also presented new drawings but which were not certified surveyor's plats.

The Board just deferred one case that did not have certified plats, Mr. Smith said, and the Board should defer this one also. A use permit, if granted, should be to both husband and wife -- Assir and Marian Bradbury. He moved to defer to September 24. Seconded, Mr. Yeatman. Carried unanimously.

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FRED SCHNIDER, application under Section 30-7.2.7.1.4 of the Ordinance, to permit erection and operation of golf driving range, intersection of Route 28 and Route 50, Chantilly Farm, Centreville District, (RE-1), Map No. 34 ((1)) par. 81 & 82, S-883-68 (Deferred from June 25)

Mr. Bartow Ray represented the applicant. The applicant is requesting permission to build a golf driving range on farm land in Chantilly, he explained. There will be 50 tees and 50 parking spaces. The road leading in will be 22 ft. wide, hard surface macadam. Usually at these facilities two or three people come in one car. Entrance will be off of Route 50. There is plenty of land for more parking if necessary. The entire property contains 138 acres.

Mrs. Henderson read the Staff report -- "A site plan would be required for this use. The parking and screening requirements are to be established by the Board of Zoning Appeals. The staff recommends that any use permit for this use be conditioned on a minimum of 150 ft. of 12 ft. wide deceleration lane be required westward from the entrance along Route 50."

Mr. Ray said this would be a temporary use, probably for five years.

The Staff's assumption, Mr. Knowlton said, was that this being a temporary use would probably mean they would ask for site plan waiver. Under the site plan waiver, the County would be losing the road widening and all improvements in front of the property. In the event site plan is waived and no service drive is required, there should be at least a deceleration lane approaching the entrance.

No opposition.

Mr. Ray stated that they are ready to start. The architect is working on this now and they will start as soon as plans are available.

In the application of Fred Schnider, application under Section 30-7.2.7.1.4 of the Ordinance, to permit erection and operation of golf driving range, intersection of Route 28 and Route 50, Chantilly Farm, Centreville District, Mr. Smith moved that the application be approved as applied for on approximately 34.6 acres of land with 50 tees and 50 parking spaces as outlined by the applicant's agent; that in the event site plan is waived for this use, the permit is conditioned on a minimum of 150 ft. of 12 ft. wide deceleration lane westward from the entrance along Route 50 to be constructed prior to the use being established. All other provisions of the Ordinance pertaining to the application must be met unless waived by the proper authorities. If the sanitary system proposed is adequate

for the number of persons using the facility, it is all right. Seconded, Mr. Barnes. Carried unanimously.

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HOWARD F. YOUNG, application under Section 30-6.6 of the Ordinance, to allow dwellings to be constructed on Lots 1, 2, 3, 4 and 5, closer to 20 ft. right of way than allowed by ordinance, Annie S. Phillips Estate, Dranesville District, (R-17), Map No. 31-3 ((1)) 99, V-886-68 (deferred from July 9)

(Deferred from July 9 for the attorney representing the opposition to be present.)

Mr. Dennis Duffy represented Mr. Hurlock and others in the Briar Ridge Subdivision.

After looking into the matter, Mr. Duffy said he had come to the conclusion that this was an easement right of way for the benefit of a farm house that existed many years ago. Part of it has been vacated and it is clear to him, Mr. Duffy continued, that Mr. Young could not use the 20 ft. right of way for ingress and egress to his property for the reason that this is an expansion of the use of an easement in gross. This was for use of that one farm house and when that disappeared over the period of time, the use disappeared with it. It is his opinion that this right of way under any circumstances could not be enlarged to make use by five homes. Assuming that there were a situation of a 20 ft. road that could be used by the people -- there is no provision for curb and gutter and no provision for a turnaround.

Mr. Duffy said he could see no hardship in this case. A variance in accordance with the code is a situation where there is undue hardship upon the part of the owner. Mr. Young is a contract owner purchasing subject to the obtaining of a variance which would permit him to build. Basically the hardship here is an economic hardship. The vacation stops at Mr. Pennington's property (Lot 11), indicating that the use back to the old farm house has long since ceased in order for them to vacate this.

There is approximately 36,500 sq. ft. of usable land in this proposal, Mr. Smith said. The Briar Ridge Subdivision is developed on 17,000 sq. ft. lots. Would these people have any objection to a man utilizing the usable land to the same degree that they have had the enjoyment of, and placing two homes on the land?

Mr. Duffy replied that he did not think anyone would deny the man the right to use the land. But, the fact that the man has 36,000 sq. ft. is not really indicative of the entire problem. If the man had 36,000 sq. ft. of land with proper access, he would not be here, and if he were here, people would be in support of the application.

Mrs. Henderson suggested having access to the two homes that would be the most she would think of granting could be via pipe stem roads.

Mr. Young told the Board that he had just purchased Parcel A from the Rucker Company and has started a house. If he purchases the land from Mr. Harrison, he will have use of the 20 ft. right of way. Why couldn't he start a driveway at the end of Parcel A and he would not have to use the 20 ft. right of way?

If it is done that way, Mrs. Henderson said, that would be the principal means of access to the back lot and the setbacks would have to be maintained or he would need a variance. She thought the pipe stem method would probably be better.

Mr. Young stated that the cottage on Lot 5 would be demolished but they would probably try to save the pool.

A pipe stem on the property in question would be a sure way of getting frontage to the rear lot, Mr. Knowlton advised.

Mr. Smith reviewed the Staff report. "Approximately 36,500 sq. ft. or one third of this land is out of flood plain. Variances up to 35 ft. would be necessary from front setback. The 20 ft. access right of way is not provided on the land to be subdivided, and is far substandard for this use. Curb, gutter and sidewalk would be required for lots of this size. For the above reasons, it is recommended that the request be denied, and that no more than two lots be permitted on this parcel since that is the number permissible on the amount of land not in flood plain. The staff believes that this proposal would be the over-development of a relatively useless parcel left as residue in the 1950 Annie Phillips Subdivision."

In the application of Howard F. Young, application under Section 30-6.6 of the Ordinance, to allow dwellings to be constructed on Lots 1, 2, 3, 4 and 5, closer to 20 ft. right of way than allowed by the Ordinance, Annie S. Phillips Est., Dranesville District, Mr. Smith moved that the application be granted in part to allow the applicant to divide the parcel of land into two lots, one lot being the portion of the property now designated in the proposal as Lot 1, containing one dwelling to be constructed of comparable size and price of those existing in the R-17 subdivision adjoining; that the contract owner or owner be allowed to provide access to the second lot by means of a 20 ft. pipe stem through Lot 1. The existing shed is recognized as being a shed only and not for the purposes of this motion a usable residence, therefore it could only be used if this proposal is granted as a shed or outbuilding in connection with

the residence on the second lot. The applicant should be allowed to construct a residence within 15 ft. of the proposed pipe stem serving the second lot. All other provisions of the Ordinance pertaining to this application shall be met unless waived by the proper authorities. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt it was out of keeping with the character of the neighborhood and since Mr. Young is contract purchaser this is not a hardship.

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PATRICIAN ARMS NURSING HOME, (St. Michael's Catholic Church), application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of a nursing home, 7 stories, 300 beds, east side of Ravensworth Road, Annandale District, (R-10), Map No. 71-1 ((9)) 7A, 8, 9, 10, S-892-68 (deferred from July 9 for decision only.)

In the application of Patrician Arms Nursing Home, (St. Michael's Catholic Church), application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home, 7 stories, 300 beds, east side of Ravensworth Road, Annandale District, Mr. Smith moved that the application be approved with the following conditions: in making the motion to grant this application, this automatically rescinds the application which the Board approved previously for a five story facility. It is understood that this seven story facility, if granted, would follow the lines and setbacks as indicated on the plats presented and that the following conditions would be met; that 25 ft. across the full frontage of the property be dedicated for widening of Ravensworth Road; that Pine Drive, a narrow residential street in poor condition, would not be used as access to the facility -- no road connection at all with the nursing home; that a new driveway from Ravensworth Road be provided directly to this facility and not by the church. 210 parking spaces must be provided. Screening must be provided on that portion of the property that is adjacent to property not owned by the applicant in a residential character all the way around it. If the staff feels the existing screening is adequate that there be only a 6 ft. high chain link fence placed on the property line. Seconded, Mr. Barnes. Carried unanimously.

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COMMERCIAL SALES, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of U-Haul rental lot, 1822 Howard Avenue, Providence District, (C-G) (deferred from May 14 for applicant to investigate possibility of having the RE-1 land rezoned and to notify Mr. Bowman, the only adjacent property owner.)

Mr. Baker stated that he got the property rezoned to C-G on June 26 and has notified Mr. Bowman. There will be parking of rental units only; no repairing will be done. The building on the property is used as office space. This is below grade and cannot be seen from Route 7.

In the application of Commercial Sales, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of U-Haul rental lot, 1822 Howard Avenue, Providence District, Mr. Smith moved that the application be granted as applied for for a U-Haul rental operation including van type trucks, trailers and other equipment normally associated with the rental in this classification. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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COMPUTER AGE INDUSTRIES, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school (computer operator training school), 8800 Arlington Blvd., Providence District, (RE-1), Map No. 48-4 & 49-3 ((1)) 39, S-918-68

Mr. Lawson returned with signed statements from adjoining property owners waiving written notification of the hearing.

This building has been something of a white elephant, Mr. Lawson stated, to the entire area. It has been the subject of numerous rezoning and use permit applications, all of which have been turned down. The client in this case has a five year lease on the property. There will be no modification of the outside of the building except to refurbish the building itself. This will be an operation to train people to work with computers. Maximum number of students will be 100. A training course will take approximately six months. There will be classes from 7 a.m. to 12 noon and 1 p.m. to 6 p.m. with a night class from 7 p.m. to 9:30 p.m. The parking facilities will be to the rear of the building. He introduced Mr. Larson who will be in control of the school.

Mr. Ed Dove, engineer, stated that he has checked with the County regarding sewer and water and there are no problems.

Mr. Lawson stated that the County Staff report which originally indicated that there was to be no front or side yard lighting had been modified to allow exterior indirect lighting of the building for protection against vandalism. As to the recommendation of a 9 sq. ft. sign, Mr. Lawson said he had checked the Ordinance and it was his understanding that they could have a 24 sq. ft. sign. The Staff had also modified the recommendation of a one year time limit to five years since the client will have to spend a great deal of money in redoing the building.

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In answer to Mr. Baker's question as to the cost of a six month course, Mr. Larson replied that it would cost around $1500. They will seek to get GI approval but the rules they must go by state that the school must be in operation for two years before it can qualify. When a student is half way through the course, they may give him a part time job as a computer operator. He will work for the school on a part time basis. The students will be terminated, of course, at the end of graduation. This affords them the means to earn money to pay part of the necessary tuition. They will be required to bring in additional electric power but this is no problem.

No opposition.

Mrs. Henderson read the recommendation of the Planning Commission in favor of the application, subject to the following conditions: 1) No outside lighting, except for indirect lighting, be permitted in the front yard; 2) No front or side yard parking or lighting thereof. 3) All lighting fixtures in parking areas not exceed 6 ft. in height and shielded to direct light rays groundward. 4) No signs be permitted other than one identification sign not exceeding 9 sq. ft. in size. 5) The time of operation be limited to five years subject to renewal. 6) A service drive be constructed along the subject property's frontage on Route 50. 7) Screening be provided between the parking area to the rear and Chichester Lane.

Mr. Lawson requested that the Board leave screening up to site plan control. The back of the property drops down quite a ways.

Mrs. Henderson suggested that 60 parking spaces should be adequate.

Mr. Smith commented that he felt the 9 sq. ft. sign mentioned in the report from the Staff and Planning Commission was an unreasonable request. The Board has been limiting the size of service station signs for years and this particular request would be an undue hardship on the applicant. As soon as the facility has connected to public water the well should be filled in, he said.

In the application of Computer Age Industries, Inc., application under Section 30-7.2 6.1.3 of the Ordinance, to permit operation of school, more particularly, a computer operator training school, 8800 Arlington Boulevard, Providence District, Mr. Smith moved that the application be approved as applied for under the following conditions: that there be a time limit of five years subject to renewal; site plan would be required for this use including improvements and service drive along Arlington Blvd., that screening be provided in the rear of the property along the parking area; that 65 parking spaces be provided; that there be no outside lighting in front or side yard except indirect lighting; that all lighting fixtures in parking areas be 6 ft. or less in height and shielded to direct light rays groundward; that there be not more than one identification sign of 24 sq. ft. as specified by the Ordinance. This is for a school operation from 7 a.m. to 9:30 p.m. daily, 12 months a year, with no dormitories, and no living facilities connected with this other than day time use by the Staff. All other provisions of the Ordinance pertaining to this application shall be met. The applicant must have approval of the Fire Marshal, Health Department, and specifically, prior to establishing the use, the applicant must connect to public water and sewer now in the immediate area. All parking is to be screened in a manner acceptable to the Planning Staff and is to be shielded from all residential areas. If the Staff feels it is more appropriate to have the driveway location changed, they may do so. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 4:30 P.M.
By Betty Haines

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

September 20, 1968
Date

A regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, August 6, 1968 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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10:00 VIRGINIA ELECTRIC & POWER COMPANY, application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Ox Substation to Bull Run Substation on north side of existing line, Bull Run Substation to Loudoun County line on south side of existing line, Centreville and Springfield Districts, (RE-1 and R-17), Maps No. 42, 52, 53-1, 53-3, 65, 64, 74, 75, 85, 86, 95, 96 & 97, S-912-68

Mr. Randolph Church, Jr., attorney, represented the applicant. The applications of VEPCO on today's agenda are probably the most significant of all the VEPCO cases in Fairfax County, he said. This application involves bringing in a new source of power to serve Northern Virginia. He outlined the existing lines on the map and pointed out the route of the new lines. The old 115 kv line would be taken down and replaced with 500 kv power line, he said. That replacement necessitates the other applications which are short sections of lines to and from the Bull Run Substation and will also necessitate an additional transformer at Ox Substation to step down the power to 230 for distribution. This is the first 500 kv line in Fairfax County. The existing towers will be replaced by steel towers, approximately 110 ft. tall, about 5 ft. shorter than the existing towers. They have obtained 55 ft. of additional right of way. Because of the high voltage they need more clearance. All easements have been obtained with the exception of three which are in condemnation. The narrowest point of right of way is 230 ft.

Mr. R. W. Carroll, Manager of the Potomac District of VEPCO, gave the reasons for requesting the special use permit. This is part of an overall plan for which VEPCO is applying for special use permits involving a 500 kv transmission line. The location is necessary for the rendering of efficient service by the power company and must be constructed by early 1969 so as not to delay their 500 kv project previously discussed. This will create no new traffic which might be hazardous or inconvenient to the neighborhood and will not have any adverse effects on normal radio or television reception.

Mr. N. McK. Downs, real estate appraiser and broker, reported that from a study which he had made of the area, he had concluded that this application, if granted, would be in harmony with existing development and would have no adverse effect on any of the surrounding property.

Mr. Ober, adjacent property owner, asked to know the location of the towers as they enter the substation and what would be their height. Also, would the proposed line affect the plans for the proposed Occoquan Park? He asked the Board to consider imposing a condition upon VEPCO if the requests contained in application #1 and #4 are granted, requiring certain maintenance, upkeep and construction on the road before VEPCO undertakes either of these projects.

He built the road in 1964 at a cost of approximately $5,000, Mr. Ober continued. At that time there was no indication that VEPCO was going to build a substation nor use this right of way. The road was designed to serve only a single family residence. The road has been maintained to a degree by VEPCO but it is deeply rutted and down to the soil in some places. Banks have been broken down by trucks pulling off the road. They should construct a properly crowned road with clear ditches and should put in guard rails at the stream crossing and at the right angle turn that has the tremendous drop-off. At the present time the road dead ends at his home and people turn around there all of the time. People have also been shooting rifles at the substation site. He would like to

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see a gate at the fork of the road with no trespassing signs. Even if they could erect a chain and two posts which could be padlocked, this would discourage this sort of thing.

Since the Board had reached the time for the next VEPCO hearings, Mrs. Henderson called the next three cases:

10:20 VIRGINIA ELECTRIC & POWER CO., application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Bull Run Substation east 0.68 miles on north side of existing line, (relocation of existing line), Centreville District, (RE-1), Map No. 65, S-913-68

10:40 VIRGINIA ELECTRIC & POWER CO., application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Bull Run Substation (Rt. 28) west 3.96 miles adj. and on north side of existing line, Centreville District, (RE-1 and R-17), Map No. 53-1, 53-2, 53-4, 64, 65, S-914-68

11:00 VIRGINIA ELECTRIC & POWER CO., application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of addition to Ox Substation, west off Rt. 123, Springfield District, (RE-1), MapNo. 97 ((1)) 24A, S-915-68

In the 10:20 case, Mr. Carroll stated that this line is part of an overall plan for which VEPCO is applying for special use permits involving a 500 kv line and the proposed transmission line is simply the reconstruction of a present transmission line and relocation of additional right of way in order to obtain the best location for the proposed Loudoun Substation to Ox Substation 500 kv line previously discussed. The present line furnishes electric power to the pumping station for the Colonial Pipe Line Company and soon will furnish power to the Burke Substation for which a special use permit was granted December 1967. It is essential that the present line be removed from its present location and rebuilt on the 85 ft. of new right of way in order to allow the use of the center of this transmission corridor for construction of the Loudoun-Ox 500 kv line. This rebuilt line will be single pole construction, average height of poles approximately 65 ft.

The location of this facility is fixed by the existing Bull Run Substation, Mr. Carroll continued, and the rest of the line to which it connects. The location is necessary for the rendering of efficient service by the Power Company and must be constructed by early 1969 so as not to delay their 500 kv project previously discussed.

In the 10:40 case, Mr. Carroll stated that this proposed transmission line is simply the reconstruction of the existing 115 kv line and a relocation within the right of way in order to obtain the best location for the proposed Loudoun Substation to Ox Substation 500 kv line previously discussed. The present line furnishes power to the Bull Run Substation, the Centreville transmission line, and soon will furnish power to the Johnson Delivery Point of the Prince William Electric Cooperative near Highway #211 and VEPCO's Burke Substation. It is essential that the present line be removed from its present location and rebuilt on the opposite side of the transmission corridor. The rebuilt line will be single pole construction, average height of the poles approximately 60 ft.

There are no additional plans for any more structures on the 35 acre site, Mr. Church stated, and a large portion of this could not be utilized because of the terrain. The corridor to the south is not planned yet, but obviously it would be highly unlikely whether any of Mr. Ober's property would be taken. The road to which Mr. Ober refers, also serves one other property -- the Jasper property, which is largely undeveloped. The Company paid Mr. Ober $1500 toward the cost of the road and have provided a certain amount of maintenance. The Company will keep the road in condition during the period of construction, and a gate could be put up at some point along the road.

Not knowing the condition of the road as it now exists, Mr. Smith said, and since the agreement was made between VEPCO and Mr. Ober preceding this hearing, this matter should be left up to them and not the Board.

Mrs. Henderson read the Planning Commission recommendation to approve the applications subject to the following conditions: 1- That the BZA pursue the question of the road which provides access to both the properties of Richard Ober and VEPCO's Ox Road Substation; to resolve mutually agreeable measures regarding the maintenance of the subject road, particularly during construction of the proposed facilities; the Commission agreed that the property owner involved should not be put at an unjust disadvantage. 2- That VEPCO adhere to its plans, as submitted, which propose alignment of towers abreast of one another rather than staggered. The Commission agrees, however, that there are eight points within the proposed right of way where this is not feasible.

In the application of VIRGINIA ELECTRIC & POWER COMPANY (10:00 case) - application under Sec. 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Ox Substation to Bull Run Substation on north side of existing line, Bull Run Substation to Loudoun County line on south side of existing line, Centreville and Springfield Districts, Mr. Smith moved that the application be approved as applied for as outlined on plats presented. It is understood that the existing 115 kv line will be removed and will be replaced with 500 kv line as outlined for the reasons stated. All other provisions of the State and County Codes pertaining to this particular application shall be met. It is understood that the replacement of the towers will be in all cases except possibly eight, adjacent to the existing poles so that there would be no additional sight as far as the proposed lines are concerned. Maximum height of the towers would be approximately 146 ft. -- overall average height 105-110 ft., russet brown steel towers. Seconded, Mr. Barnes. Carried unanimously.

In the application of VIRGINIA ELECTRIC & POWER COMPANY (10:20 case) - application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Bull Run Substation east 0.68 miles on north side of existing line, (relocation of existing line), Centreville District, Mr. Smith moved that the application be approved as applied for. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

In the application of VIRGINIA ELECTRIC & POWER COMPANY (10:40 case) - application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection and operation of transmission lines from Bull Run Substation (Rt. 28) west 3.96 miles adjacent and on north side of existing line, Centreville District, Mr. Smith moved that the application be approved as applied for. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

Mr. Smith moved that the 11:00 item be deferred to September 10 to view the property. Seconded, Mr. Barnes. Carried unanimously.

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STEPHEN P. HORVATH, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, SW corner of Springhill Road and Old Dominion Drive, Dranesville District, (C-N), Map No. 20-4 ((1)) part 84 & 85, S-901-68

Mr. Raehn stated that the property (51,000 sq. ft.) was rezoned last May for purposes of a gasoline station. The adjacent area is planned for commercial uses. The property in question is part of a non-conforming automobile parts yard and this will be the first step in permitting the owners to remove that parts yard.

Mr. Kelly from Citgo stated that this would be a three bay station with rear entrances.

They have also planned a shopping center which will blend in with the service station style, Mr. Raehn added. This design was firmly fixed in the owner's mind before negotiations for the service station were undertaken.

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The exact time element is not known yet, Mr. Raehn continued. Water is there but sewer is not in. The shopping center concept is based on being served by percolation and this is why such a large tract was necessary. Each building will have its own field. He showed a picture of a shopping center located in Richmond similar to what this would look like.

No opposition.

In the application of Stephen P. Horvath, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, SW corner of Springhill Road and Old Dominion Drive, Dranesville District, Mr. Smith moved that the application be approved as applied for, for a Colonial type, brick, three bay, rear entrance service station, with one freestanding sign not to exceed 80 sq. ft.; that the applicant relocate the entrance to meet the suggestion of the Planning Staff and that this be left flexible so the applicant and Staff can work this out to avoid further congestion at this point. The applicant shall provide a 40 ft. dedication along the center line of both streets, to the rear of the median. It is understood that this is for service station uses only. There shall be not more than one freestanding sign erected as set forth in the application on the entire parcel of land associated with the service station. The entire CN zone is taken in for service station use. Seconded, Mr. Barnes. Carried unanimously.

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OTIS H. & PHYLLIS E. KERNS, AND RICHARD F. AND MARY R. MANEGOLD, application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, NE corner of Chain Bridge Road and Old Courthouse Road, Lots 15, 16 and 17, Freedom Hill Farm, Providence District, (C-D), Map No. 39-1 ((6)), 15, 16, & 17, S-902-68

Mr. Ralph Louk represented the applicants and stated that the property was rezoned in November 1967 specifically for a gas station. There are two pieces of property involved -- that owned by the Kerns' and the property of Manegold. Sun Oil is buying both properties. This will be a brick structure with three bays, front entrance, A type roof with cupelo on top similar to the one in the previous application, and instead of large plate glass windows, it will have small wooden frame windows.

The location of the station should be moved, Mr. Smith said, and include the 100 ft. shown on the plat as "undeveloped land". They certainly should consider using the entire tract -- if not, they will not be able to place pump islands on Courthouse Road.

Since the entire tract will be under use permit, Mr. Knowlton said, site plan would require development all the way to the end of the property which does not show on the plat. The service drive would be required to the end of Lot 15.

No opposition.

In the application of Otis H. & Phyllis E. Kerns and Richard F. and Mary R. Manegold, application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, NE corner of Chain Bridge Road and Old Courthouse Road, Lots 15, 16 and 17, Freedom Hill Farm, Providence District, Mr. Smith moved that the application be approved for a Colonial, A roof type, brick, three bay station, for service station uses only; that the applicant meet all setback requirements as to building location, pump island location, as required by the Ordinance, and that the applicant dedicate to the rear of the sidewalk of Chain Bridge Road and 8 ft. beyond the face of the curb on Courthouse Road. All other provisions of the County Code and Site Plan Ordinance are to be met. Seconded, Mr. Barnes. Mr. Smith added that it is understood that there will be only one freestanding sign of not more than 80 sq. ft. Carried unanimously.

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August 6, 1968

HILDA M. HICKS, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lot 17 and southern 17 ft. of Lot 16, Southgate, 2811 Liberty Ave., Providence District, (R-10), Map No. 50-2 ((9)) 17 & pt. 16, S-904-68

Mrs. Hicks stated that she and her husband own and live in the house. The home has been inspected by the Health Department and she would like to have a one chair, one operator beauty shop in her home. She has been licensed for nine years and has worked in the City of Falls Church. Work is done on an appointment basis only. There is plenty of room for parking three cars. They would not be allowed to park on the street.

No opposition.

Mr. Smith amended the application to include the name of Mr. Hicks -- in the application of Garland M. and Hilda M. Hicks, application under Section 30-7.2.6.1.5 of the Ordinance, to operate a beauty shop in home as home occupation, Lot 17 and southern 17 ft. of Lot 16, Southgate, 2811 Liberty Avenue, Providence District, Mr. Smith moved that the application be approved as applied for, for a one chair home occupational beauty shop to be operated by the owner and occupant of the house. All other provisions of the Ordinance shall be met in relation to Health, Building Code, setback requirements for parking, and that parking be in the area set forth (concrete driveway). It is understood that all parking by the users of this home occupational use will be on the property and will meet all setback requirements. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HENRY ZIEGLER, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to side property line than allowed, Lot 76, 1st Addition to Holmes Run Heights, 3503 Alpha Place, Annandale District, (RE 0.5), Map No. 59-4 ((9)) 76, V-905-68

Mrs. Henderson suggested moving the addition farther back.

This would eliminate an entrance to the bedroom, Mr. Ziegler stated. These are small bedrooms and he has to go through the living room now to enter them both. He has lived here for eight years and the addition will contain two bedrooms. They are on public water and sewer.

If this is approved, Mr. Smith noted, this would be the only variance he would be willing to grant. Any other additions would have to be constructed without a variance. This is a two bedroom house on over one-half acre of land which is an unusual situation. The applicant has resided here for eight years and plans to continue living here, and needs the additional living space.

No opposition.

In the application of Henry Ziegler, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to side property line than allowed, Lot 76, 1st Addition to Holmes Run Heights, 3503 Alpha Place, Annandale District, Mr. Smith moved that the application be approved as applied for, for reasons stated. All other provisions of the Ordinance must be met in relation to this application. Seconded, Mr. Barnes. Carried unanimously.

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HILLTOP SAND AND GRAVEL COMPANY, INC., application to permit gravel operation on 25.1 ac. of land, W. side of Telegraph Rd. and S. of Beulah Rd., Lee District, (NR zone), Map No. 99, Par, 76, 77, 84, 85, 87 and 87A

Mr. Clem Galliott, President of the Company, stated that they were granted a permit and had a bond issued for four years. The bookkeeper went on the assumption that since the bond was granted for four years, the permit was good for four years. Basically this is the same permit that was approved before. They are asking for 2 1/2 years with the possibility of extension of the permit for 2 1/2 more years.

No opposition.

August 6, 1968

HILLTOP SAND & GRAVEL CORP. - Ctd.

In the application of Hilltop Sand & Gravel Co., Inc., application to permit gravel operation on 25.1 acres of land, West side of Telegraph Road and South of Beulah Road, Lee District, Mr. Smith moved that the application be extended as approved on November 10, 1964; all provisions and requirements of the original granting will be met. This is a new 2 1/2 year granting and at the end of this period the applicant will submit to the Board plats showing that portion of the land (25.1 acres) that has been completely excavated and restored, the portion under excavation, and the remaining portion that has not been dug. At that time the Board can grant an extension of a 2 1/2 year period, if necessary. All other provisions of the Ordinance shall be met. Mr. Smith amended the motion to include the Planning Commission recommendation -- that access be limited to existing roads originating at Beulah Road and traversing adjacent property to the north in lieu of additional access points on Telegraph Road. Impact of vehicular movements to and from the gravel operation should be retained at the present level. Seconded, Mr. Barnes. Carried unanimously.

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JOHN R. MITCHELL, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lot 20, Poplar Hill Subdivision, Annandale District, (C-N), Map No. 59-2 ((5)) 20, S-931-68

Mr. John T. Hazel, Jr. represented the applicant. This property was just rezoned (approximately 3/4 acre) with the representation that it would be used for a gasoline station, he said.

This will be a three bay Colonial style station and the bays will have front entrances due to grade problems. Most likely this will be a Texaco station.

Mrs. Henderson suggested that it would appear better to have entrance and exit on Luttrell Road.

At the time of site plan, Mr. Hazel explained, it was deemed desirable by the Staff to have no access on Luttrell Road but confine access to Gallows Road. When plot plan was submitted, the Staff came back and said that upon reviewing the site and the Beltway and Gallows Road, they felt it would be better to have an access across the corner of the site as shown on the plat presented to the Board. Although only one pump island is shown on the plat, the owners would like to have two -- this was an oversight by the preparer of the plat. There are no variances requested.

No opposition.

In the application of John R. Mitchell, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lot 20, Poplar Hill Subdivision, Annandale District, Mr. Smith moved that the application be approved as applied for, for reasons previously stated, approved for a three bay Colonial type brick service station; not more than one freestanding sign not in excess of 80 sq. ft., and that the requirements of the Ordinance as to setback shall be met, and sidewalks and curb and gutter shall be provided as required by site plan. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MONROE L. LESSER, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 36.3 ft. from Hannah St., Lot 5, Burke Heights, 6360 Silas Burke St., Springfield District, (RE-1), Map No. 88-1 ((3)) 5, V-933-68

Mr. Mark Fried presented a petition signed by all the home owners in the Burke Heights Subdivision. Mr. Lesser bought a lot in Burke Heights, Mr. Fried explained, and hired a man (Mr. Berger) to build the house for him. Payne and Associates laid out the house. After obtaining a building permit, Mr. Lesser's neighbor asked if he would move the house location over a bit. Mr. Lesser checked with the Zoning Office, giving

the legal description of the property and asked what the side setbacks would be. He was told that it was 20 ft. on each side. The builder restaked the house and called to have the footings put in. They moved the house location because the neighbor wanted the house to be invisible from the road and this left a large number of trees. When the applicant went to the lender he was advised that he needed a wall check survey. The surveyor then found that the location had been changed and Mr. Lesser stopped construction immediately. The house is located where the only contiguous property owner desired it to be located, granting him more privacy. He was told that 20 ft. was all that was required on the side. Mr.Fried said that he did not think that granting a variance in this case would be detrimental to the use and enjoyment of other property as the other property owners are in favor of the application; it would not cause an unsafe condition, and to enforce compliance would be extending a hardship on the applicant not in harmony with the intent of the Zoning Ordinance. Mr. Berger will be leaving for Germany next month.

The mistake was certainly no fault of the applicant, Mr. Smith commented.

When Mr. Berger asked about moving the house, Mr. Fried said, Mr. Lesser checked with the Zoning Office and he was told that 20 ft. was all he needed. Hannah Street dead ends at the end of this lot. There is no sewer available. This house is 40 ft. from Lot 6 and 100 ft. from the Carrero house.

Mr. Knowlton advised that property at the end of Hannah Street is the subject of an R-12.5 zoning applications and the owners of that land want to develop in cluster. The Staff has seen no plans to show what kind of street will be put in.

If this becomes a State road the corner will have to be cleaned up some to improve sight distance, Mr. Smith said, but the house presents no problem. The application merits favorable consideration. There are many circumstances surrounding it. The house is 75 ft. from Burke Street and there are no sight distance problems. It does not appear that this would have any detrimental effect or not be in harmony with proposed development for the area, and thinking in terms of proposed cluster development to the rear, there could be houses built closer to Hannah Street in the future.

No opposition.

Mrs. Henderson stated that she did not think the application fits the error clause of the Ordinance. She sympathized with the applicant, but felt that the mistake falls back on him as being responsible for this. It is not an error of misplaced markers or anything like that.

Mr. Smith said the applicant should have notified the Zoning Office that he was changing the location of the house. He was told that 20 ft. was all that he needed. There has been a series of misinformation. Basically, this boils down to Section 30-6.6 5.4 of the Ordinance, the error clause. There are unusual circumstances here, Mr. Smith said. The house was moved back 25 ft. and this is in his favor. Moving it back eliminates any problems of sight distance. This is what the Ordinance intended to do on corner lots. In the application of Monroe L. Lesser, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 36.3 ft. from Hannah Street, Lot 5, Burke Heights, 6360 Silas Burke Street, Springfield District, Mr. Smith moved that the application be approved as applied for, for reasons previously stated and the Board shall find that this application meets the standards set forth in Section 30-6.6.5.4 of the Ordinance. There is no sight distance problem involved. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt this was actually a personal and financial situation and the house should be moved to the proper location.

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DEFERRED CASES:

PAUL D. AUSTIN, application under Section 30-7.2.10.5.2 of the Ordinance, to permit construction of building for veterinary practice, animal hospital and related services, Lot 9, D. F. Hanna Sub., off Little River Turnpike, Annandale District, (C-G), Map No. 71-1 ((1)) 19, S-890-68 (deferred from July 9, 1968)

Mr. Sizemore presented a letter from Mr. Stenhouse, architect.

Referring to the letter, Mr. Smith stated that he did not know anyone named Woodson in the Health Department, and did not see how Mr. Croy or Mr. Short could approve anything until they had seen some plans. Plans must be approved by the Health Department prior to obtaining a building or occupancy permit.

Seven parking spaces appear to be adequate to serve the original building, Mrs. Henderson said, but might not be enough to serve any additions to the building.

No opposition.

The adequacy of sound or odor control in this case can be controlled by the site plan administratively, Mr. Knowlton advised. The site plan would go to the Health Department and Building Inspector for their comments.

Mr. Smith stated that the only thing he was considering was a 1,000 sq. ft. building with parking as indicated. Animals would not be housed in this structure. In the event of expansion another permit would be needed.

In the application of Paul D. Austin, application under Section 30-7.2.10.5.2 of the Ordinance, to permit construction of building for veterinary practice, animal hospital and related services -- being the treatment of animals -- Lot 9, D. F. Hanna Subdivision, off Little River Turnpike, Annandale District, Mr. Smith moved that the application be approved for the proposed building with seven parking spaces as outlined on the plats; that all provisions of the Ordinance pertaining to this application including the newly adopted criteria set forth on regulating odors be met prior to issuance of an occupancy permit or building permit as indicated by the new ordinance. All other provisions pertaining to the application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH D. KLUNDER, application under Section 30-6.6 of the Ordinance, to permit carport to remain 6 ft. from side property line, Lot 8, Section 17, Hollin Hills, 2410 Nemeth Court, Mt. Vernon District, (R-17), Map No. 93-3 ((12)) 8, V-855-68, (deferred from June 11, 1968)

Mr. Klunder reported that the building inspector had inspected his property and Mrs. Klunder had written a letter to the Board after he was there.

No report had been received from the Building Inspector, however, and upon checking it was found that he was on vacation and there was no record of his investigation in the Building Inspector's Office.

Mr. Smith moved to defer to September 24 for decision only for a final inspection report from Mr. Oliver. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Smith expressed concern over signs that he had seen over gasoline stations at Tysons Corner; some of them had freestanding signs with other large signs also. The Zoning Administrator was instructed to check into the situation and if they are in violation, issue notices to have them removed immediately. If they are under use permit, the Zoning Administrator shall issue a show cause why the signs should not be removed.

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Mr. Woodson showed a drawing of a proposed sign at Loehmann's Plaza.

Mrs. Henderson felt it was much too big; certainly it is larger than the sign at the Springfield Shopping Center which she had looked at when the

question of the mall sign first came up, she said.

The sign would be placed even with the building going into the mall, Mr. Woodson said.

Mr. Smith moved that the Zoning Administrator approve the proposed on the mall sign for Loehmann's Shopping Center if there is no conflict with the existing Ordinance -- for an 8 ft. long sign with 6" high letters, (4' x 8' sign space), reading "Jules' Hairstylists", "One Hour Cleaners" and "Barber Shop". Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion.

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MAYWOOD BUILDING CORP., application under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage treatment plant, off W. Ox Road, opposite Navy Elementary School, Centreville District, (RE-1), Map No. 35 and 36-3 ((1)) part par. 18, S-899-68

Mr. Smith questioned whether the Board had the authority to hear this application after it was denied by the Planning Commission under Section 15.1-456, Code of Virginia.

Mr. Bernard Fagelson, attorney, stated that he was substituting for Mr. James Thompson, Counsel for Mr. Awret in this matter. It is their belief that since they have a permit to operate a sewage treatment facility from the State Water Control Board that the duties of this Board and other County agencies are ministerial, he said.

They feel that the Board has the right to approve the location of the treatment plant but only the location. That is the thing properly before the Board, Mr. Fagelson said.

Why does this have to be located in an R district, Mrs. Henderson asked?

This is the farthest portion of his client's land on this particular parcel, Mr. Fagelson replied, and drainage is in this direction. They have placed the facility in an area not scheduled for development. It will be surrounded by park land and will have the least impact on any development by him. It is located as far from existing roads as possible to do it on this property.

Since the Planning Commission denied the application, Mrs. Henderson said, the Board should dispose of it by summary denial. She read from the Ordinance -- "...no future park, public area, public building.... shall be constructed, established or authorized unless....approved by the local Commission." The Board of Zoning Appeals could not possibly authorize this, she said, and read the following Planning Commission recommendation: "Pursuant to the provisions of Sec. 15.1-456, Code of Virginia, and Sec. 30-6.13 of the County Ordinance, the proposal of Maywood Building Corp. to permit erection and operation of sewage treatment plant was scheduled before the Planning Commission on July 29, 1968. Upon review of the subject proposal and Planning Staff report submitted herewith, the Planning Commission unanimously disapproved the location of the subject facility pursuant to Sec. 15.1-456, Code of Virginia. In addition, the Planning Commission recommended to the Board of Zoning Appeals that the subject application under Section 30-7.2.2.1.6 of the County Ordinance be denied. "

The Chair has ruled that based upon the decision of the Planning Commission this Board has no authority to grant, and it seemed to him it would be a waste of time to hear the case, Mr. Smith said. The only procedure left for the Board would be to deny the application.

Mrs. Henderson read the Staff report and noted that there seemed to be conflict between the Board of Supervisors and the State Water Control Board -- "For information purposes the subject request was preceded by a similar proposal included as part of a request for rezoning to the R-12.5 District (amended to RE 0.5 at the Board hearing) on the same property of 160± acres. The requested zoning was denied by the Planning Commission and Board of Supervisors because it was not in accord with the low density proposal for this area in the Difficult Run Plan. It was the Staff position then, as it is now, that the area is most suited for the low density uses recommended in that plan.

MAYWOOD BUILDING CORP. - Ctd.

During the previous request for rezoning, the applicant obtained preliminary approval from the State Water Control Board of his concept for a private treatment plant. However, no final plans will be considered by the Water Control Board until Fairfax County has granted a use permit to the applicant. Other information pertinent to a decision on the subject request are various Zoning Ordinance provisions related to Special Permit uses.

1) Sec. 30-7.1 (General Provisions) states that 'Special Permit Uses as specified in this chapter may be authorized by the Board of Zoning Appeals in the district indicated upon a finding that the use will not be detrimental to the character and development of the adjacent land, and will be in harmony with the purposes of the Comprehensive Plan of land use embodied in this chapter.'

a) It is stated Board of Supervisors' policy that no individual treatment plants will be permitted in the Difficult Run Watershed (to date none have been allowed) and that sewer will be provided through the Dulles Interceptor, from which the Difficult Run Trunk Sewer has been constructed.

b) This policy is part of the purpose of the Difficult Run Watershed Plan; therefore, the use requested is not in harmony with the purposes of the Comprehensive Plan of land use for the area.

2) Sec. 30-7.2.2.2.(b) Procedures of the Zoning Ordinance requires that 'No power generating plant or sewerage facility shall be established except on approval by the Board of County Supervisors, after approval by the Board of Zoning Appeals.'"

Mrs. Henderson noted that the Soil Scientist's report indicates that 79% of the land is good for septic tank disposal.

Their experience has been that septic tanks might operate for a good portion of the property but not for all of it, Mr. Fagelson said, and they feel that a sewage disposal plant is indicated and the Health Department agrees with them.

Why does the land have to be developed now, Mrs. Henderson asked? Why not wait till sewer goes in?

The county has not given any reasonable date for sewers, Mr. Fagelson replied. To be anywhere in this area they had to locate in an R district. There is only one commercial property nearby -- that is the Navy Store which is more than a mile away. That particular location is on the other side of the ridge.

In the application of Maywood Building Corp., application under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage treatment plant, off West Ox Road opposite Navy Elementary School, Centreville District, Mr. Smith moved that the application be denied based on the decision of the Chair as to the authority of this Board after denial by the Planning Commission. Seconded, Mr. Barnes. Carried unanimously.

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COMPUTER AGE INDUSTRIES, INC. - Mr. Edward Dove, Engineer, was present to discuss the request for deferral of construction of a service drive along Arlington Boulevard in connection with this application. The developer would put up a bond guaranteeing construction of the service drive after two years. At the present time there is nothing that will connect with a service drive and it would serve no useful purpose.

There are service drives all over the County, Mr. Smith said, that are not being used. The County has to start somewhere. Cost of construction today is less than it will be two years from now. This is a fairly intense use (the computer school), and he felt it was a good use, and it should certainly meet all site plan requirements. Since he made the original motion, he moved that the Board stick with the original motion. Seconded, Mr. Barnes. Carried unanimously.

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RAY M. VAN HOOK - See Page 186

August 6, 1968

Mrs. Henderson read a letter from Rep. Broyhill to C. C. Massey, County Executive, regarding the application for a variance made by Leonard Thomas, forwarded to the BZA.

Mr. Smith moved that Mrs. Henderson convey to Mr. Massey's office the minutes of that hearing and the finding of the Board that there was nothing in the applicant's testimony to indicate that they met the criteria under the hardship section of the ordinance, along with a copy of the section of the Ordinance pertaining to hardships. Seconded, Mr. Barnes. Carried unanimously. (This has been done. Copy on file in the Leonard Thomas folder in the Zoning Office.)
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The meeting adjourned at 4:25 P.M.
By Betty Haines

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

September 20, 1968
Date

From Page 185:
RAY M. VAN HOOK, application under Section 30-6.6 of the Ordinance, to permit porch to be enclosed 30 ft. from Rollins Drive, 1601 Rollins Dr., Mt. Vernon District, (R-10), Map 93-4 ((2)) (17) 14, V-917-68 (deferred from July 30)

The Board reviewed the new plats submitted by the applicant's attorney.

Mr. Smith moved that the application of Ray M. Van Hook, application under Section 30-6.6 of the Ordinance, be approved to allow porch to be enclosed 31.7 ft. from Rollins Drive, (1601 Rollins Drive), Mt. Vernon District. Seconded, Mr. Barnes. All other provisions of the Ordinance pertaining to this application shall be met. Carried unanimously.

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The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, September 10, 1968 in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting opened with a prayer by Mr. Smith.

GULF OIL CORP., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station on Leesburg Pike approximately 700 ft. west of Colvin Run Road, Dranesville District, (C-N), Map No. 12-4 ((1)) part 55 & 56, S-919-68

Mr. Dick Hobson represented the applicant. The total site to be purchased by Gulf contains 2.3 acres, he said, 34,680 sq. ft. of which will be used for the service station. This will be a Colonial type station with three bays. Gulf will dedicate and construct a service drive in front of the station.

Mr. Ollie Cramer, Gulf representative, stated that the area immediately adjoining this property is developed and utilized for storage of industrial vehicles and is rather unsightly at the present time. Route 7 immediately in front of this property is being widened to a four lane divided highway and the vehicle count within a 24 hour period is estimated at 12,950 vehicles. The area is changing and Route 7 will be carrying much more traffic.

There will be no detrimental effect on adjacent properties if the application is approved, Mr. Hobson assured the Board. There is already a service station built on adjacent property. They have changed the lighting from flourescent to a Colonial style lighting -- and the 6 ft. sign will be atop a 12 ft. black painted pole.

Is there a cut in the division of Route 7, Mrs. Henderson asked, or would this station depend entirely upon traffic going west?

To the best of his knowledge there is not one planned, Mr. Cramer replied, but they hope that in the future there might be one because of the moving of Brown's Chapel.

No opposition.

In answer to Mrs. Henderson's question as to whether the Company is aware that they will be required to provide screening along the residential property adjoining, Mr. Cramer replied that they are aware and it has been the Company's policy to plant evergreens around the signs, giving a more parklike atmosphere.

In the application of Gulf Oil Corporation, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station on Leesburg Pike approximately 700 ft. west of Colvin Run Road, Dranesville District, Mr. Smith moved that the application be approved for a three bay Colonial type service station on the 34,680 sq. ft. area, with only one freestanding 6'x 6' sign mounted on a 12 ft. high pole, and Colonial designed lighting which is fast winning acceptance throughout the area. Site plan would be required. Screening would be required where the property abuts RE-1 land to the rear. The applicant shall dedicate 35 ft. or to the rear of the sidewalk. Screening and shrubbery as shown on the colored rendering shall be followed as much as possible. Granted for service station use only. Seconded, Mr. Barnes. Carried unanimously.

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SECOND BAPTIST CHURCH, (Mother Goose Nursery), application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a day care center and permit building closer to street property line than allowed, approx. 100 children, hours of operation 7 a.m. to 5 p.m., five days a week, 6626 Costner Drive, Providence District, (R-10), Map 50-2 ((1)) 54, S-920-68

There are 62 children in the school now, Reverend Costner stated. The school has been operating for fourteen years and they are making this application because of their large waiting list. This is the same application that was approved by the Board previously, but they had difficulties with their builder and their permit expired. Most of the children who are on the waiting list are children of working mothers who need this facility badly. At the present time the school and church activities are held in the same building and this involves moving furniture back and forth resulting in broken and damaged articles and much inconvenience to everyone involved. The students would not be limited to church members. If the application is granted, the school would be held in the new building. Later on they plan to build a religious education building on the other side of the church when they get enough money. The school will be a twelve month operation, five days a week.

Mrs. Henderson questioned the hours of operation. The application before the Board now states from 8 a.m. to 5 p.m. and the original application stated 7 a.m. to 6 p.m. Which hours are more realistic, she asked?

September 10, 1968

SECOND BAPTIST CHURCH - Ctd.

The 7 a.m. hour would be better, Rev. Costner said, as some of the students get there before 8.

No opposition.

Site plan waiver was requested and granted in the original application and this would still be in effect, Mr. Knowlton advised.

There is plenty of parking, Rev. Costner,told the Board. Next spring all of that will be blacktopped. The 10 parking spaces shown near the playground would be blacktopped at the time the school is built.

The building permit application before the Board is dated 1966, Mr. Smith noted, so a new application would have to be submitted for the building permit.

In the application of Second Baptist Church, (Mother Goose Nursery), application under Section 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 than allowed, maximum of 100 children at any one time, hours of operation 7 a.m. to 5 p.m. five days a week, 6626 Costner Drive, Providence District, Mr. Smith moved that the application be approved, and that all other provisions of the Ordinance pertaining to this application be met unless waived by the proper authorities. Parking requirement have been set by the Board at 10 in accordance with the plat. Screening, unless it will solve a worthwhile purpose, could be waived by the Staff. It is understood that the entire school area will be fenced with at least 4 ft. chain link fence. Seconded, Mr. Barnes. Carried unanimously.

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O. M. HORNELAND, application under Section 30-7.2.10.5.7 of the Ordinance, to permit erection and operation of a miniature golf course, next to 8830 Richmond Highway, (Woodlawn Motel), Lee District, (C-G), Map No. 109 ((1)) pt. 19, S-938-68

Mr. Hunter Bourne represented the applicant. The property has been zoned C-G for a number of years, he said. This strip is 200 ft. in depth and 1200 ft. in length from the corner. The applicant is operating a motel on the far end of the tract and is requesting a more or less temporary permit for this portion. The tract has been there with no change for a substantial length of time and is only 200 ft. in depth. They have not been able to find a developer to develop the tract because of the depth and have not been able to get cooperation of the owners behind them to increase the depth and put in something that would be proper for the area. They are asking for the permit on this part of the land for a temporary miniature golf course until they can put in something permanent. Taxes on the ground are substantial and the owner needs some return from the land in order to meet this large expense. The Dogue Creek area has got to be developed before they can utilize this land for a permanent use. This would be quite an improvement over the way the land is at the present time.

Mrs. Henderson read a letter from the National Trust for Historic Preservation requesting that no new developments be permitted within the area until there is a Board of Architectural Review appointed and a study made by the Planning Commission.

Mrs. Henderson read the Planning Commission recommendation stating that the presence of the C-G zoning on the subject property has already created the impact and under these circumstances it is the Commission's opinion that uses more objectionable than that proposed may be permitted. Subsequently, the Planning Commission recommended to the Board of Zoning Appeals that the subject application be approved for a period of 3 years; further, that careful consideration be directed to lighting and signs permitted in view of the desire for historical preservation of this area.

Mr. Smith agreed with the Planning Commission report but added he did not think it would be fair to the applicant to have him do this under a three year permit due to the costs that would be involved.

If there is any thought of granting an unlimited permit, Mrs. Henderson suggested, the area should be increased because when 47 ft. of land is taken for road widening there is not going to be enough land left for this operation.

This is not intended by the owner to be a permanent use, Mr. Bourne stated, but only a use which would give him some relief from the tax burden by giving him some income. As part of this use permit, they would request waiver of site plan requirements as far as widening of Route 1 and service road requirements. The rate from a miniature golf course would not be sufficient to warrant a permanent installation. They would like to have a temporary permit until the problems with Dogue Creek have been worked out. Most of the miniature golf operations use portable equipment. There is already substantial development on the other side of the highway, all of which is closer to Woodlawn than this particular site.

In reading the Ordinance, amendment #119, Mr. Smith said this would not allow an extension beyond two years. If the application is granted there should be 36 parking spaces, dust free as outlined in the Ordinance, provided.

September 10, 1968

O. M. HORNELAND - Ctd.

Mr. Knowlton reported that the Staff had no schedule for widening Route 1.

Mr. Bourne advised that he has been active in the Chamber of Commerce working with the Highway Department and it is indicated that their present schedule is to have the portion from Penn Daw completed within three years; the next section within another three years.

What kind of signs would be erected and where would they be, Mrs. Henderson asked?

They have not yet decided on the signs, Mr. Bourne replied, but any signs would be located according tothe Zoning Ordinance. Lighting would be throughout the operating area. Route 1 is lighted at the present time and these lights would be adjacent to that area.

Opposition: Mr. Maleski, operator of a miniature golf course located in the Super Giant Shopping Center, spoke in opposition because he felt the area could not support two such facilities.

The Board cannot deny an application based on need, Mrs. Henderson pointed out, and cited as a classic case the Beacon Hill Shopping Center area some years ago when the Board of Supervisors refused to rezone the other shopping center because there was already one there. The State Supreme Court threw that out, she said.

Many people in the area are reluctant to let their teenagers travel very far along dangerous Route 1, Mr. Bourne stated, and if this application is granted, it would only require them to come a short distance along Route 1 to get to the facility.

Mr. Smith noted that he appreciated the position of the National Heritage Foundation but until such time as the Board of Supervisors has appointed a committee or board to handle these things, he did not believe the Board of Appeals had the authority to do this. C-G zoning has already committed the impact and a use more objectionable could be put on the property by right.

In the application of O. M. Horneland, application under Section 30-7.2.10.5.7 of the Ordinance, to permit erection and operation of miniature golf course, next to 8830 Richmond Highway, (Woodlawn Motel), Lee District, Mr. Smith moved that the application be approved for a period of two years in conformity with the Ordinance under temporary use permit; this will be an eighteen hole operation and the applicant must provide 36 paved parking spaces to serve the users of this facility. All other requirements shall be in conformity with the temporary use permit requirements as s tated in the ordinance allowing the use not to exceed two years. There will be only one 24 sq. ft. sign allowed on the property other than entrance and exit directional signs -- no signs scattered on the property advertising Coca-Cola, etc. Seconded, Mr. Barnes. Carried unanimously.

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STANLEY REINES, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, maximum 50 students, two sessions, 9 a.m. to 12 noon; 1 p.m. to 4 p.m., ages 3-5, 5 days a week, year round operation, 5610 Bismach Dr., Valley Park Apts., Annandale District, (RM-2G), Map No. 81-1 ((1)) 7F, S-932-68

No one was present to represent the applicant. The application was placed at the end of the Agenda, however, at that time the applicant was still not present.

Mr. Smith moved that the application be deferred to October 22 and that the applicant be required to formally notify the same property owners that were originally notified, at least ten days in advance of the hearing. If the application is not pursued at that time the Board would have no alternative but to deny it. Seconded, Mr. Barnes. Carried unanimously.

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MAYWOOD BUILDERS, application under Section 30-6.6 of the Ordinance, to permit storage shed to remain 6.6 ft. from side property line, Lot 30, Sec. 3, Beech Tree Manor, 3406 Rose Lane, Mason District, (R-17 cluster), Map No. 60-2, V-934-68

Mr. Charles Runyon explained that when their company took over Mr. Cardwell's business they found many errors and another piece of unfinished business was the carport with storage shed too close to the property line, the subject of this application. R-17 zoning (cluster) requires a minimum of 8 ft. and total of 24 ft. setback on the side. This lot diverges to the rear so that the violation is only on one corner of the shed. He had talked with people in the area who were unfamiliar with the procedures and had no objections. The people living in the house moved in last spring. There is a 6 ft. stockade fence along the property line, so the shed is screened. The carport itself is not in violation.

No opposition.

In the application of Maywood Builders, application under Section 30-6.6 of the Ordinance, to permit storage shed which is part of carport construction to remain 6.6 ft.

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from side property line, Lot 30, Section 3, Beech Tree Manor, 3406 Rose Lane, Mason District, Mr. Smith moved that the application be approved as it meets provisions of Section 30-6.6.4 of the Ordinance in relation to the mistake clause of the variance section. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried unanimously.

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LOUISE WALSH, application under Section 30-6.6 of the Ordinance, to permit erection of open porch 20.7 ft. from rear property line, Lot 2, Sec. 4, Piney Run, 6068 Piney Run Drive, Lee District, (RE-1), Map No. 100 ((3)) (4) 2, V-935-68

Mr. Hess, builder, represented the applicant. The Walsh's have owned the property since 1953 and have a 6 ft. porch which they would like to enlarge, he explained. There is no house on property in the rear -- ponies are being kept there. The septic field is located in the front of the house.

No opposition.

It should be understood that this could not be enclosed, Mrs. Henderson noted; it would have to remain an open screened porch.

In the application of Louise Walsh, application under Section 30-6.6 of the Ordinance to permit erection of open porch 20.7 ft. from rear property line, Lot 2, Sec. 4, Piney Run, 6068 Piney Run Drive, Lee District, Mr. Smith moved that the application be approved as applied for. It has been brought out that the septic field is in the front of the house and this was the reason for placing the house so far back on the lot. There is an existing 6 ft. porch which the applicant proposes to enlarge to a 12' x 17' porch and this appears to be a reasonable request. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DONALD A. VAN MATRE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 2.6 ft. from side property line, Lot 37, Sec. 1, Canterbury Woods, 5117 Southampton Drive, Annandale District, (R-12.5), Map No. 70-3 ((5)) 37, V-936-68

Mr. Van Matre stated that he wished to extend his driveway and place a carport on the side of his house. The neighbors immediately adjacent to him have carports and four other houses on this portion of Southampton also have carports. He is the second owner of the house which was built in 1963. He purchased it in 1968 (January).

Mr. Van Matre's house was built without a carport because obviously there was not enough room for one, Mrs. Henderson said. Perhaps it would be advisable to see how many carports are existing in Section I of Canterbury Woods and see if this would be a special privilege to the applicant to grant this one.

This lot is restricted by an easement along the side and in the rear, Mr. Van Matre added.

No opposition.

Mr. Smith moved to defer to September 24 for decision only and ask the Zoning Office to make a field survey to acquire additional information with relation to carports in Section I of this subdivision and to see how many other houses are affected by the flood plain and sewer easements. Also, have any variances been granted for carports in Canterbury Woods? Seconded, Mr. Barnes. Carried unanimously.

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HARRY L. BURKA AND ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to rear property line, Lot A, John B. O'Shaughnessy Est. on Seminary Road, Mason District, (C-G), Map No. 61-2 ((1)) pt. 99, V-937-68

Mr. N. David Daumit, architect, and Mr. Kaplan were present but could not present the Board with proof that two adjacent property owners were notified, therefore the application was deferred to September 24 for additional information (new plats) and proof that two adjoining property owners were notified, and showing parking spaces in relation to the operation; all of the parking spaces that have been alloted to Gil.

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MT. VERNON UNITED METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten in church building, maximum 60 children, ages 4 and 5 years old, hrs. of operation 9 a.m. to 12 noon, 5 days a week, 2006 Belle View Blvd., Mt. Vernon District, (R-10), Map No. 93-1 ((25)) (4) 14, S-939-68

Mrs. Minix stated that she has just taken over the operation. The school has been operating for 13 years unaware that they needed a use permit. They have had five year olds only and would like to add four year olds. They would operate from 9 a.m.

to 12 noon, five days a week. No meals will be served. This is not limited to church members but it would be under church sponsorship. She is a salaried teacher in charge of weekday kindergarten. This is a non-profit organization. The property has been inspected by the Fire Marshal and they will comply with all Health and Fire requirements. No transportation will be furnished by the school. The Health Department has approved them for sixty children.

No opposition.

If the church has been operating for 13 years, Mr. Knowlton said, he would amend the staff report as that would put it prior to site plan ordinance.

In the application of Mt. Vernon United Methodist Church, application under Section 30-7.2.6.1.3 of the Ordinance, 2006 Belle View Boulevard, Mt. Vernon District, Mr. Smith moved that the application be approved for a maximum number of 60 students at any one time, ages 4 and 5 years old, hours of operation 9 a.m. to 12 noon, five days a week. The school has been in operation for thirteen years and they were unaware that they needed a use permit. Since this was in existence prior to the Ordinance, he would hope that they would not be processed under site plan requirements. Seconded, Mr. Barnes. Carried unanimously.

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ZINN, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, bath house and other recreational facilities, Strathmeade Square, Providence District, (R-T), Map No. 59-1 ((13)) 21B-34C, S-941-68

Mr. Griffin Garnett did not have his letters of notification as he had not been notified that this was necessary, he said.

(The letter was sent to Mr. DeLuca, maker of the application, since Mr. Garnett's name did not appear.)

The Board deferred the application to October 8 for proper notification.

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DEFERRED CASES:

JAMES E. HOOPER, application under Section 30-6.6 of the Ordinance, to permit erection of an office building 31 ft. from Chestnut St., 7121 Leesburg Pike, Providence District, (CDM), Map No. 40-3 ((1)) 103, V-896-68

Mr. Hooper showed a rendering of the proposed building containing office space. The present office building contains 25,000 sq. ft. and is completely leased at the present time. They have had many requests for more office space in the same area, mostly from tenants who wish to expand their office space. They have met with the Falls Hill Citizens Association concerning development of the area and they were concerned about two things -- storm water and traffic flow. The engineer has prepared a study of the site and has determined that they will need a storm sewer drainage picking up the water from the site, piping it down to a low point on Chestnut Street, then requiring an easement on Jones' or Reed's property, discharging it through an open tract of ground in the direction of Shreve Road. Not only would this take care of the water from this site but would solve the drainage problem which they have at the present time. As to traffic flow, their site presently calls for an exit to Chestnut Street. They have a service drive in front of the property along Leesburg Pike that can handle the traffic both on the property and exiting. Since they own the property on the opposite side, they plan to always maintain an access from this site over to Shreve Road. This directs traffic onto Route 7 by way of a red light. If Public Works and Planning have no objections, they would be willing to close any access through Chestnut Street.

The reason they are planning the addition in its present form, Mr. Hooper continued, is the fact that their present building was erected prior to acquiring the adjacent tracts. The addition is arranged in this manner because they feel that from an esthetic value it would be better to have a single building as planned than to take the adjacent property and build on it in an individual manner.

Mr. Musselino, architect, stated that the first ground floor of the structure will be set back 23 ft. from the upper stories with two driveways running under the building and to either side. From the bottom floor line to the right of way line of Chestnut Street the building is 53 ft. back and the two floors above that are 31 ft. from the property line. They want to lengthen the building to form a continuous facade across the property and link it by more office space with a court to the rear. If they reduce the size of the court it would not be usable and would not do what they propose it to do -- give light and air to interior office space.

Why can't the addition be put to the rear of the existing building, Mrs. Henderson asked?

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If they went in that direction they would be closer to the residential neighborhood, Mr. Hooper replied.

That could be done as a matter of right, Mrs. Henderson pointed out.

The request contained in the application is based purely on esthetics, Mr. Smith stated. There is no section of the Ordinance relating to variances as far as esthetics are concerned. What they are trying to do is get an extra bay at the expense of a variance. The insurance company in the existing building is using it for drive-in inspection of damaged automobiles. They are making estimates outside and there is some question in his mind as to whether this was the general intent of the Zoning Ordinance as to whether this should be done under these buildings. This is basically a garage function. Someday the County may have to step in unless they are enclosed. Is this in keeping with the thinking of the planners?

She would say not, Mrs. Henderson said, not according to the ten things that are permitted in C-O zoning.

There is a place near Bailey's Crossroads on Route 7 that inspects damaged cars and that is in C-O zoning, Mr. Yeatman said.

The one at Bailey's Crossroads was designed for that purpose, Mr. Smith said, and this one is a multiple use.

The proposed building is approximately 90 ft. wide, Mr. Hooper stated. The purpose of the application is not actually to gain additional bays. They feel that one building would be more fitting in the community than a separate building on this tract.

What the applicant is asking for is an ideal situation with no criteria for granting a variance whatsoever. He states that he wants to provide certain light and air, Mr. Smith said, and this could still be done by cutting down on the size of the buildings. The Board does not have authority to grant variances to allow buildings to be balanced out. It is very important that the setbacks be maintained for safety factors.

Chestnut Street is a street that is very seldom traveled, Mr. Hooper stated, and a question has been raised as to why it could not be closed up. There is a service drive infront of the property.

People who build houses on corners have to maintain the setbacks even if the road right of way is in woods, Mrs. Henderson said, and she could see no justification for granting a variance. This amounts to a personal consideration. It might be the most desirable layout but not a reason for granting a variance.

Chestnut Street is a 40 ft. right of way assigned a State highway number, Mr. Smith added, and apparently it is serving a very useful purpose.

Blaine Friedlander, President of the Falls Hill Citizens Association, stated that when they were approached with the possibility of this building being constructed, they made a survey of persons living along Chestnut Street to ascertain their feelings on the matter. They had three suggestions as to how the proposal would benefit the community and at their last night's meeting the vote was that the community would have no objections to the variance. It would benefit the community if the existing road at the end of the building would be closed off so there would be no access from the building to Chestnut Street, and there should be adequate screening along the side toward Chestnut Street. Some solution should be reached on the storm drainage problems. Mr. Reed is willing to grant an easement across his property to facilitate solving the water problem.

Jack Savistone, Manager of Prudential Insurance Company, hoping to be the main tenant in the proposed building, spoke in favor of the application.

No opposition.

The application as presented to the Board is nothing more than a special privilege to the applicant and not an insurmountable hardship, Mr. Smith said. The application is based on esthetics and there is nothing in the Ordinance to allow a variance on this basis. There are three steps in the variance section of the Ordinance and the applicant has met none of these steps. It should be pointed out that this is a corner lot across from ~~adjacent to~~ a very fine junior-senior high school with thousands of students coming and going daily. This property was the subject of a very recent rezoning application and the applicant was aware of the lot dimensions and size at the time zoning took place. The applicant also owns adjoining land so there is no justification for granting a variance. In the application of James E. Hooper, application under Section 30-6.6 of the Ordinance, to permit erection of office building 31 ft. from Chestnut Street, 7121 Leesburg Pike, Providence District, Mr. Smith moved that the application be denied as the applicant has failed to meet any of the three steps set forth in the Ordinance under the section which he has applied, neither does he meet requirements of the State Code. The Board is not authorized to grant variances based on special privilege and this certainly is one. Seconded, Mr. Barnes. Carried unanimously.

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ALEXANDRE CYMES, application under Sec. 30-6.6 of the Ordinance, to permit addition for storage area, 8.4 ft. from side property line, Lot 17, Oliver Knolls, 4007 Patricia St., Annandale District, (R-12.5), Map No. 60-3 ((30)) 17, V-898-68 (deferred from July 23)

The Board viewed the property as a body, Mrs. Henderson reported, and all members agree that the proposed shed in this location would not prevent the water or snow problem referred to by the applicant. She suggested putting up a snow fence or putting a storage space at the end of the carport.

In that case he would have to enter into other construction and redirect the water, Mr. Cymes stated. He would need a barrier to keep snow from coming into the carport.

None of the reasons given by the applicant are reasons contained in the Ordinance for granting a variance, Mr. Smith said. He probably does have a water problem but he does have an area where he can construct a storage shed without a variance. Again this is a question of privilege to the applicant. In the application of Alexandre Cymes, application under Section 30-6.6 of the Ordinance, to permit addition for storage area 8.4 ft. from side property line, Lot 17, Oliver Knolls, 4007 Patricia Street, Annandale District, (R-12.5), Map No. 60-3 ((30)) 17, V-898-68 (deferred from July 23) be denied as it fails to meet any of the requirements set forth in the Ordinance in granting a variance. It should be noted that there is an alternate location for the desired storage shed and the application is a matter of personal preference rather than a hardship. Seconded, Mr. Barnes. Carried unanimously.

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SOUTHLAND CORP., application under Section 30-6.6 of the Ordinance, to permit erection of building 17.7 ft. from side property line, on south side of Blake Lane, approximately 200 ft. west of Lee Highway, Providence District, (C-N), Map No. 48-3 ((1))33, V-900-68 (deferred from July 23)

Mr. Citron stated that the property is owned by the applicant. Property adjoining is zoned for garden apartments and they feel that 7-11 Stores are compatible with that zoning. They are requesting a 17 ft. setback where 25 is required and the neighbors have no objections. The store will be 60 ft. in length. The applicant has spent a great deal more money than is normally spent in developing a site. The developers have agreed to contribute toward the redesign of Blake Lane plus the expense for the storm sewer outfall system.

The Board cannot consider financial hardships, Mr. Smith said.

Mrs. Henderson suggested acquiring an 8 ft. strip of the RM-2G property adjoining and having it rezoned to C-N.

No opposition.

The Board has had many requests from 7-11 for variances, Mr. Smith said, and a few of them have been granted. This application is based on privilege rather than on the Ordinance.

A good example of a 7-11 that would qualify under the Ordinance was one at Bailey's Crossroads, Mrs. Henderson recalled, where there was a tiny triangle of land that could not be used for anything. If the variance had not been granted, the land would have been confiscated. There were a lot of topographic problems involved in that case. The only problem here is that the building is too big to fit on the land.This is a very recent purchase of land and the applicant should have been aware of the requirements when he purchased it.

Mr. Smith moved that the application of Southland Corporation, application under Section 30-6.6 of the Ordinance, to permit erection of building 17.7 ft. from side property line, on south side of Blake Lane, approximately 200 ft. west of Lee Highway, Providence District, be denied as the application does not meet the requirements of the variance section of the Ordinance. The applicant was aware of the Ordinance requirements when he purchased the property and there is no problem here except that the store is too big to fit the lot. 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 an addition to Ox Substation west off Route 123, Springfield District, (RE-1), Map No. 97 ((1)) 24A, S-915-68 (deferred from Aug. 6)

Mr. Church stated that he and Mr. Carroll had met with Mr. Ober and had reached an agreement. (This agreement was initialed by Mr. Ober and placed in the records of this case and reads as follows:

"September 6, 1968

Mr. Richard Ober
Fairfax Station, Virginia 22039

Dear Mr. Ober:

This will confirm our discussions concerning the access road from Route 123 to your residence in Fairfax County.

The Virginia Electric and Power Company (Vepco) will do the following with respect to this road:

1) Clean the ditches and drainage culverts, smooth the ruts, add new stone and grade with a road grader the portion of the access road between Route 123 and the turnoff to Vepco's Ox Substation. Keep this portion of the road repaired during the planned Vepco construction in this area so that it will be usable by a passenger car.

2) Promptly repair any damage caused by Vepco's use of the section of the access road between the turnoff to Ox Substation and the southern boundary of the right of way for the Ox to Loudoun transmission line. Maintain this section during the period in which the Ox to Loudoun transmission line is under construction in this area so that it will be usable by a passenger car.

3) Install signs at appropriate locations along the access road indicating that children use the road so that vehicle operators will be alerted to proceed slowly and with caution.

4) Install a gate across the access road near the entrance off Route 123 and keep it there as long as there is no objection from other persons who have the legal right to use the access road.

5) Install wood pole barriers at the edge of the road at the point where it makes a sharp turn and along the low point in the road past the sharp turn in the direction of Ox Substation. The purpose of the barriers is to keep vehicles from going off the road at these points.

6) Clear the brush and small trees in the road right of way at the turnoff to Ox Substation so that visibility will be improved.

7) Keep the access road between Route 123 and the turnoff to Ox Substation in repair and repair any damages caused by Vepco's use of the access road between Ox Substation and the Ox to Loudoun transmission right of way during the time this road is used by Vepco for access to these locations and there is no increase in the use of the road by others.

I believe this confirms the points you, Mr. R. W. Church and I discussed and hope that it assures you that we will cooperate fully in our joint right to use this access road.

If at any time you have any questions concerning the maintenance of the road please contact Mr. G. R. Fletcher at 683-0900.

Very truly yours,

(S) R. W. Carroll
District Manager "

Mr. Ober stated that he was very satisfied and felt that Vepco has been extremely cooperative. He thanked Mr. Church, Mr. Carroll and the Board.

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 addition to Ox Substation, W. off Route 123, Springfield District, be granted in conformity with plats submitted and in conformity with the agreement reached between Mr. Carroll, Mr. Church and representatives of Vepco, and Mr. Ober, the principally affected land owner in connection with this construction, and that the Board make this agreement a permanent part of the record. Seconded, Mr. Barnes. Carried unanimously.

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Mr. W. O. Quade requested an extension of his application as he had been unable to sell the house and could not start construction on Lot 49. Mr. Smith moved to extend to November 11, 1969. Seconded, Mr. Yeatman. Carried unanimously.

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The Board scheduled an extra meeting -- October 29 -- and since the fourth Tuesday in December is on Christmas Eve, rescheduled the December meetings for the 3rd and 17th.

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The Board discussed a letter requesting to have auto auctions on the open air theatre property at Bailey's Crossroads on Sundays. If the Commonwealth's Attorney rules that this is not a prohibitive action on Sundays, the Board will consider the proposal.

The meeting adjourned at 4:30 P.M.
By Betty Haines

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

September 20, 1968 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, September 24, 1968 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.

HENRY LODGE #57, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of masonic lodge on Oak Street, Lots 4 and 5, part Lots 2 and 3, Sec. 4, Fairfax Acres, Providence District (RE 0.5), Map No. 47-4, S-942-68

Mr. Parnell J. Porter represented the applicant. The total property contains 69,372 sq. ft., he said, and is located near the Route 66 ramp at Route 123. They propose to construct a Masonic lodge building on the property. The building which they use now is located in the City of Fairfax and has been there for about 100 years. The subject property is under contract contingent upon getting the use permit. They propose to build a 30' x 56' brick one-story structure with 59 parking spaces. The average attendance at a lodge meeting is approximately 50. The active and inactive membership is 350.

In answer to a question from Mrs. Henderson, Mr. Porter replied that the small shack on the property will be removed. A house is being built on the residue of Lot 1. Regular meetings of the lodge are held on the second and fourth Tuesdays of each month, with called meetings the other two Tuesdays of the month.

They propose to construct a rectangular building of solid color brick and it will not have a flat roof, Mr. Porter stated. He did not know what type of decorative trim there would be as they do not have their building plans at this time.

Mr. Hardee Chambliss, owner of property across the street from the subject property, stated that he owns the property that is left from their old home place. The ramp from Route 66 goes through what used to be their living room. He owns what is left of Lots 40, 41, 42, 43 and 44 on which there is a house, and he owns the field behind those lots which contains 3± acres. If the Board sees fit to grant this application, he urged that there be a condition in the granting requiring the applicants to donvey to the County a 15 ft. easement along the westerly line of Lot 5 and along the southerly line of Lot 4. He has made an offer to the lodge, he said, but they have not actually signed any agreement.

Mr. Smith expressed doubt as to whether it would be appropriate to require the applicant to furnish an easement without cost. This could be negotiated and the Board would have no objection to that, he said.

Easements for road widening, for example, are for the public good, Mrs. Henderson pointed out, while an easement such as this would be for the good of individuals.

Mr. Charles Elkins was present in opposition. He felt that increased traffic from the lodge would increase the hazards which already exist. The road is narrow and there is a hidden intersection on a sharp hill on this road. He asked if there would be screening.

Mrs. Henderson assured him that there would be screening.

This property is surrounded by large trees, Mr. Porter stated. Standing in the center of the property one cannot see the house being built on Lot 1. With the exception of one or two large trees in the center which will have to come down, almost all of the trees will remain on the property. With regard to the traffic problem, this problem already exists and an increase of 25 or 40 cars from the lodge once a week would not make that much difference. With regard to the blind spot which Mr. Elkins mentioned both of their ingress and egress facilities are away from that curve.

September 24, 1968

HENRY LODGE #57 - Ctd.

Mr. Porter stated that they had no objections to the application being granted subject to the granting of an easement, however, Mr. Smith felt that this was something which should be negotiated.

Seventy-five parking spaces in the beginning should be sufficient, Mr. Smith added. Members would not be allowed to park on the roadways serving this facility -- they must park on lodge property. Parking would have to be expanded when it becomes necessary. There should also be a fence along Lots 3, 4, 5 and 6, and adjacent to the home that is being constructed on the residue of Lot 1. The applicants should provide a 6 ft. high chain link fence, and this is for their own protection. It should be understood that if the fence is not put up, that the lodge would not have the County Police Department trying to keep youngsters out of the open area. The large parking lot would be very inviting to children playing ball and riding bikes. In any event there should be a barrier of undisturbed screening in the 50 ft. setback on the roadway side of the entrance and exit and a 25 ft. undisturbed barrier of screening around the other portion of the lot. In case it becomes necessary to remove undergrowth or trees for placing sewer or water lines, it would be supplemented by plantings.

In the application of Henry Lodge #57, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of masonic lodge on Oak Street, Lots 4 & 5, part Lots 2 & 3, Section 4, Fairfax Acres, Providence District Mr. Smith moved that the application be approved as applied for, for a one story brick building 30' x 56'; that there be 75 parking spaces provided on the property for the users of the facility; that the entrance and exit be oriented toward one way in and one way out; that there be a barrier of natural screening of 50 ft. along the service road and Oak Place, and a 25 ft. undisturbed natural screening barrier adjacent to Lots 6, 5, 4 and 3 and residue of Lot 1, part of Cobbdale. If it becomes necessary to disturb the barrier of screening for water or sewer easements, that additional screening be placed on the property inside the easement to take care of any trees or undergrowth that might have been removed. It is understood that the Board has no objection to a negotiated sewer or water easement across the property so long as it is on the property lines and does not interfere with the construction of the building or interior parking arrangement. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JOHN DELUCA, application under Section 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing and convalescent home with facilities for 320 patients, on 4.7809 ac. of land, on west side of Woodburn Road approximately 200 ft. south of Tobin Road, Providence District, (RE 0.5), Map No. 59-1 ((1)) 21, S-943-68

Mr. Garnett, attorney for the applicant, requested withdrawal of the application.

Mr. Smith moved that the applicant be allowed to withdraw the application with prejudice. Seconded, Mr. Barnes. Carried unanimously.

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MARY R. JETTNER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school of special instruction (ceramics), 6 days a week, no Sundays, hours of operation 10 a.m. to 10 p.m., maximum 15 students at any one time, two classes per day, 2631 Chain Bridge Road, Centreville District, (RE-1), Map No. 48-1 ((1)) 60, S-944-68

Mr. James Mee represented the applicant. Mr. and Mrs. Jettner are contract owners of the property, he stated, and wish to conduct a school for instruction in ceramics. No one would live in the house. It would be used solely for school purposes and classes would not exceed 15 students. The items would be precast and people would learn to decorate them, then they would be fired in kilns and given to the students to dispose of as they wish. The kilns would be manned only by Mrs. Jettner and in this process there are no noxious odors. He introduced a letter from Mr. Norman Cobb advising that insurance would be available.

September 24, 1968

MARY R. JETTNER - Ctd.

At this time Mrs. Jettner would be the only operator, Mr. Mee continued, and should the school be a financial success there might be one or two people in Mrs. Jettner's employ to help operate the school. There would be sales of materials from the school to the students but no commercial sales. Mrs. Jettner is teaching for the County Recreation Department now, he said.

Mrs. Jettner stated that all of the County Recreation Department classes are full. Her problem now is that in doing this in the schools, she must take all of the objects back to her home in a very fragile condition, fire them, and then take them back to the schools. If she were allowed to have her own studio she would continue to teach County classes. It would be a more convenient operation if she had a place for her students to come.

This is a good thing, Mr. Smith said, but he felt Mrs. Jettner was producing an item for sale. This is a residential zone.

Mrs. Jettner advised that she was strictly interested in teaching. In any hobby field one must buy materials with which to work. She would like to be allowed to open the doors at 10 a.m. and fire the objects.

Classes would run approximately three hours, Mr. Mee said. There would be a day class and an evening class. The exact hours for the day class would depend upon the times the students sign up -- it could be that the actual day hours would be from 12 to 3 or from 1 to 4 p.m. Evening classes would be from 7 to 10 p.m.

What items would be sold to the students, Mrs. Henderson asked?

Greenware, glaze, tools, clay, kilns, molds, and liquid clay, Mrs. Jettner replied. The kilns are about the size of an oven. The Northern School is allowed to do this and they would like to be able to do the same thing.

The Board discussed the Northern application which was granted and the brochure advertising their school, and asked the Zoning Administrator to investigate to see if the terms of the use permit are being exceeded.

No opposition.

This is an ideal area for such an operation, Mr. Smith commented, but the land is just not zoned for it.

Mr. Smith moved that the application be deferred for six months for some clarification in connection with the investigation of an existing use permit for ceramics instruction. Seconded, Mr. Yeatman. This is now at the point where the Staff should give some consideration of the scope of this type of use in a residential area and sales was the only thing he was concerned about, Mr. Smith said. Perhaps the Ordinance needs to be amended to allow this sort of use by use permit or define it to a degree that it would be in a commercial zone. In working on the review of the Ordinance, the staff should give some thought to this. Carried unanimously.

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TRURO JOINT VENTURE, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, wading pool, club house, tennis courts and other recreational facilities, Elizabeth Lane and Old Hickory Road, Annandale District, (R-17 cluster), Map No. 58-4 ((7)) pt. 8 and 9, S-947-68

Mr. Paul Kincheloe appeared in the absence of Mr. Hazel, attorney for the case who was called out of town. This is a request for a swimming pool, wading pool and club house, he stated. They have shown 100 parking spaces for the 300 membership. The site will be completely surrounded by cluster development which is now under construction but not occupied.

Mr. Smith asked Mr. Kincheloe to define the "other recreational facilities" mentioned in the request.

This would be basketball courts, Mr. Kincheloe explained. This location is shown on the master plan of the subdivision and purchasers of the houses will be aware of the pool. The club house is one story.

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TRURO JOINT VENTURE - Ctd.

No opposition.

In the application of Truro Joint Venture, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, wading pool, 30' x 60' club house, tennis courts, all purpose court, Elizabeth Lane and Old Hickory Road, Annandale District, Mr. Smith moved that the application be approved as set forth on the plat submitted with the application. Parking spaces shall be provided for 100 autos for maximum of 300 family membership. This is granted in accordance with the Ordinance and general site plan. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HENRY H. DONOVAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5 ft. from side property line, 10229 Antietam Avenue, Lot 13, Blk. P, Sec. 6, Mosby Woods, Providence District, (R-12.5) Map No. 47-4, V-948-68

(Mr. Smith left the meeting.)

Mr. Donovan stated that he has a new car and needs a carport to protect it. The adjacent property owners have no objections.

This is not a reason for granting a variance, Mrs. Henderson explained. There must be a condition pertaining to the applicant's lot which does not exist in general throughout the subdivision. The Board cannot consider the desires of an individual. In order for the Board to grant a variance there must be a topographic situation.

Mr. Donovan told the Board that he was the original purchaser of the house and at the time of purchase, in 1962, he was told that he could build a carport. If he could build in the back of the house he would, but he cannot. There is a drop at the end of the driveway.

No opposition.

In all fairness to the applicant, and in view of the restrictions of the Ordinance, rather than voting against it on the present evidence, Mrs. Henderson said she would like to take a look at the property and the neighborhood.

Mr. Yeatman moved to defer to October 8. Seconded, Mr. Baker. Carried unanimously.

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WILLIAM CLEM, to permit gravel operation on 5.5 acres of land, west off Beulah Street, Lee District, Map No. 91-1 ((1)) 32, Application No. NR 19

Mr. Edward Holland represented the applicant. The original tract has been completed, the bond released and restoration made, he said, and Mr. Clem is now working on the small parcel in front. This tract is the last piece in the area that has not been mined and they concur with the Staff recommendation that the mining operation not disturb the natural vegetation for a distance of 100 ft. from abutting properties. The property contains 8.99 acres and because of the 100 ft. restriction shown on plats submitted, gravel will only come off of 5.5 acres. Truck access would be over Mr. Clem's property out to Fleet Drive. They are requesting a two year permit.

Mrs. Henderson read Mr. Coleman's recommendations for replacing the soil and the Planning Commission recommendation.

Mr. Baker moved that the application of William Clem, to permit gravel operation on 5.5 acres of land west off Beulah Street, Lee District, be approved for a period of two years in accordance with plats and restoration plans submitted. Seconded, Barnes. Carried unanimously. (4-0, Mr. Smith not present.)

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JOHN H. BARKER, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of one chair barber shop in home as home occupation, Lot 10, Block 7, Section 2, Springfield, 7003 Highland Street, Springfield District, (R-10), Map No. 80-3 ((2)) (7) 10, S-950-68

The applicant was not present.

Mrs. Henderson read the Planning Commission recommendation for denial of the application.

There was opposition present.

Mrs. Henderson stated that she had had a telephone call from someone reporting that this was a going operation and asked that it be checked into.

Mr. Baker moved that the application of John H. Barker be denied in view of the Planning Commission recommendation. Seconded, Mr. Yeatman. Carried unanimously. (4-0, Mr. Smith not present.)

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SHELL OIL COMPANY, 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 30 ft. from side property line, on north side of Leesburg Pike, west of Dogwood Lane, Dranesville District, (C-N), Map No. 39-2 ((1)) 8A, S-949-68

Mr. William Hansbarger represented the applicant. He pointed out the location and stated that the property was originally zoned for a Hot Shoppe. In the interim, they have located in the Tysons International Shopping Center and no longer need this site. Shell proposes to construct a ranch style station in this location. The Staff has made three requests of the applicant, Mr. Hansbarger continued, and two of them they can certainly live with but they would object to closing off the entrance from Route 7 to the service drive into the station. There may come a time when this should happen -- when the loop off #495 onto #7 takes place. At this time there is no way to keep on going out to the other Dogwood Lane.

From the west line of the subject property to the first entrance of the International Shopping Center it is about 500 ft., Mr. Knowlton advised. One lane of the road is being used almost entirely as a turning lane into the shopping center. There is a very short block between the two ends of Dogwood Lane. If they allowed each piece of property between the service station and the shopping center between the entrance and exit as previously shown on the plat submitted, they might have as many as eight entrances crossing the right turn lane containing cars turning into the shopping center. Ultimately there will be a service drive from Dogwood to Dogwood and it is possible that at some time in the future a median alignment would make a service station accessible from both east and west traffic, allowing no entrance or exit at all except by way of the service drive. Realizing that the service drive does not go west of this property, they have to allow a temporary slip ramp to get out. One exit would be angled so it would not be an entrance.

Shell has no problem of closing the exit, Mr. Hansbarger said, but they do have a problem of limiting the entrance to Dogwood Lane solely. They feel that there is no real reason to do that. As far as traffic turning into this station at the entrance, it is already going to be in the right lane. The other stations along Route 7 have an entrance and exit and they propose to do the same thing as Esso across the street.

Shell has designed entrances and exits in accordance with standards established by the Virginia Department of Highways, Mr. Hansbarger said. If the time comes when the ramp would conflict with the entrance in some way they would sit down and work out a reasonable solution and in the meantime there seems no reason for requiring this.

This is the first service station they have had under site plan within 500 ft. of a major entrance to this particular shopping center, Mr. Knowlton said, and he was not considering the ramp because it might be ten years away.

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SHELL OIL COMPANY - Ctd.

Excluding the ramp altogether, his main concern is for the equitable flow of traffic heading toward the shopping center, Mr. Knowlton stated.

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Why not leave this as drawn, Mrs. Henderson asked; what difference does it make whether you come in and out on Dogwood?

Mr. Knowlton replied that at Dogwood just east of this property there is a median crossing. There will be traffic entering the service station from the eastbound lane and westbound lane at an intersection where there is a light and where traffic is controlled. According to the drawing furnished the Board, this would create another intersection 25 ft. down the road.

How can you dispose of traffic backed up on Dogwood, Mrs. Henderson asked?

There are a number of ways to handle the traffic, Mr. Knowlton answered. If necessary another light could be put in at the service drive. At Dogwood Lane there is a cut. This service station is available from traffic east and west from six lanes of traffic. He could not see putting in another entrance almost as wide as the street 25 ft. down the road without any control and an extra entrance in the right hand turn lane.

How do you guarantee that there would be an entrance on Dogwood when the cars are stopped at a red light, Mrs. Henderson asked?

With signs, traffic lights, or lines, Mr. Knowlton answered.

Mrs. Cornwell spoke in opposition to anything other than residential use of the property.

Mrs. Henderson pointed out to her that the land has been rezoned for commercial use for three years. Any motion to grant the application should contain the provision that when the service drive is connected from Dogwood to Dogwood that any cuts onto Route 7 would be closed.

In the application of Shell Oil Company, application under Section 30-7.2.10.2.2 of the Ordinance and 30-6.6, to permit erection and operation of service station and permit building 30 ft. from side property line, on north side of Leesburg Pike west of Dogwood Lane, Dranesville District, Mr. Yeatman moved that the application be approved with the following conditions: site plan would be required for the use and dedication to the rear of the sidewalk or approximately 15 ft.; and instead of the third sentence in the Staff recommendation, the plat of Shell Oil Company will be substituted in the motion -- that there be a temporary entrance from Route 7 and a slant exit from the gas station to Route 7, these to be closed when the service road from Dogwood Lane East to Dogwood Lane West is installed. The plat shows temporary and these two places will be closed when the service road is run all the way down. The adjacent residential property is in the Master Plan for commercial use. Seconded, Mr. Baker. Carried unanimously. (4-0, Mr. Smith not present.)

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BENNY SMALL, application under Section 30-6.6 of the Ordinance, to permit sun deck to remain 6 ft. from side property line, 3301 Rose Lane, Lot 1, Karen Knolls, Mason District, (RE 0.5), Map No. 60-2 ((36)) 1, V-946-68

The applicant requested deferral as notices as not been sent out. The Board deferred the application to October 29.

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The application of VICTOR PERRY, application under Section 30-7.2.10.5.19 of the Ordinance, to permit operation of a dinner dance hall in existing restaurant, 8385 Richmond Highway, Mt. Vernon District was deferred to October 29 at the applicant's request.

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September 24, 1968

A. J. AND ELIZABETH D'AMBROSIO, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 4 ft. from side property line, 8426 Masters Court, Riverside Gardens, Mt. Vernon District, Map 102-3, (R-12.5), V-909-68 (deferred from July 30)

Mrs. Henderson said the thing she objected to is that on Masters Court there are fourteen houses including the two corner lots. There are only three garages including the corner. In general, driving through Riverside Gardens there are very few carports. These are very expensive, attractive homes, but obviously not designed for carports. There are small aprons out front for parking cars.

Mr. Baker stated that he had looked at the property and between this house and the next one is the only wide place. That neighbor has a garage and this would even it up. However, the same thing could happen on the house across the street which has no carport either.

In the application of A. J. and Elizabeth D'Ambrosio, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 4 ft. from side property line, 8426 Masters Court, Riverside Gardens, Mt. Vernon District, Mr. Barnes moved that the application be denied as there is not enough room for a carport in this location and the variance requested is too great. This would set a precedent if granted. The application does not meet the specifications of the variance section of the Ordinance. The applicant can have a 10.98 ft. carport by right and come within 5 ft. of the side property line. Seconded, Mr. Yeatman. Carried unanimously. (4-0, Mr. Smith not present.)

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ASSIR & MARIAN BRADBURY, application under Section 30-7.2.8.1.1 of the Ordinance, to permit training of dogs, maximum of 10 dogs, 12 noon to 4 p.m. six days a week, 11025 Oakton Road, Centreville District, (RE-1), Map No. 47-3 ((1)) 53, S-880-68 (deferred from July 30)

Mr. Robert Black, attorney, presented new plats and copy of insurance policy. The runs will be fenced as well as the fence around the property, he said. This will be a 6 ft. chain link fence with barb wire on top of that running around the whole kennel, including training fields. The runs are 4' x 10' wide and the dogs cannot dig out nor jump out.

Mr. George Baker spoke in opposition. The proposed kennels will be about 300 ft. behind his property, he said, creating a business in his back yard. He would like this to remain a residential area.

(Mr. Smith returned.)

Most kennels are in residential areas, Mrs. Henderson informed Mr. Baker.

All traffic in and out would be directly past where Mr. Baker proposes to build his house, Mr. Smith said, and this is a very important factor. He was not aware until now that all the traffic would go past his property. This is only a 20 ft. road. There would be dust problems and nuisance.

A man could have a real estate or law office in his home as a matter of right, Mr. Yeatman stated and this could create a lot of traffic.

Mr. Bradbury explained that usually people call in and they set up a date to bring in a dog. A dog takes two to three weeks in obedience training. His main purpose is not attack dogs -- it is obedience. There are no visitors allowed during training. There would probably not be more than twenty dogs in two or three weeks. He has improved the road and he has not disturbed any of the neighbors living there. He has been paying taxes and improving the property and he would buy more property around it if he could.

If he was fronting on Oakton Road without this pipestem road passing Mr. Baker's proposed home, he would feel differently, Mr. Smith said. There are other places where this type of training could be conducted.

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ASSIR & MARIAN BRADBURY - Ctd.

In the application of Assir and Marian Bradbury, application under Section 30-7.2.8.1.1 of the Ordinance, to permit training of dogs, maximum of 10 dogs, 12 noon to 4 p.m., six days a week, 11025 Oakton Road, Centreville District, Mr. Yeatman moved to grant the application for 10 runs (4' x 10') with runs to be fenced top and sides, and the entire kennel area fenced according to the plat. The road to the property shall be made dustfree in accordance with County standards, completed by May 1, 1969. Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion because of the 20 ft. road and because many of the dogs would come from other jurisdictions.

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JOSEPH D. KLUNDER, application under Section 30-6.6 of the Ordinance, to permit carport to remain 6 ft. from side property line, 2410 Nemeth Court, Mt. Vernon District, (R-17), V-855-68 (deferred from August 6)

Mrs. Henderson read the Building Inspector's report certifying that the carport had been inspected and meets the requirements of the Fairfax County Building Code.

In the application of Joseph D. Klunder, application under Section 30-6.6 of the Ordinance, to permit carport to remain 6 ft. from side property line, 2410 Nemeth Court, Mt. Vernon District, Mr. Smith moved that the application be granted subject to the applicant obtaining a building permit. All other provisions of the Ordinance pertaining to this application will have to be met. Seconded, Mr. Barnes. Carried unanimously.

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DONALD A. VAN MATRE, application under Section 30-6.6 of the Ordinance, to permit erection of carport 2.6 ft. from side property line, Lot 37, Sec. 1, Canterbury Woods, 5117 Southampton Drive, Annandale District, (R-12.5), Map No. 70-3 ((5)) 37, V-936-68 (deferred from Sept. 10)

On this particular block on the same side of the street there are four carports, Mrs. Henderson said. A flood plain easement comes all the way across the property with an additional drainage easement through the applicant's yard so there is no alternate location for a carport. The house next door and the one beyond that both have carports.

In the application of Donald A. Van Matre, application under Section 30-6.6 of the Ordinance, to permit erection of carport 2.6 ft. from side property line, Lot 37, Section 1, Canterbury Woods, 5117 Southampton Drive, Annandale District, Mr. Smith moved that the application be approved in part to allow a carport 11 ft. wide, 3.6 ft. at the nearest point from the side property line. All other provisions of the Ordinance pertaining to this application shall be met. This is the only location on the lot where a carport could be built due to the fact that there is an easement on the side of the lot and a flood plain easement in the rear. This sets this lot apart from adjacent properties. There are a number of other homes in the area with carports. Seconded, Mr. Barnes. Carried unanimously.

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HARRY L. BURKA & ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to the rear property line, Lot A, John B. O'Shaughnessy Est. on Seminary Road, Mason District, (C-G), Map No. 61-2 ((1)) pt. 99, V-937-68 (deferred from Sept. 10)

The new attorney for the applicants, Guy Farley, requested deferral in order to send out notices. Mr. Barnes moved to defer to October 29. Seconded, Mr. Smith. Carried unanimously.

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The Board discussed the proposed Sunday auctions for automobiles on the drive-in theatre property near Bailey's Crossroads. This would be a used car lot and in order to transact the business the applicants would have to comply with the Ordinance regarding use permits.

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September 24, 1968

VIENNA LITTLE LEAGUE - Request for extension: The Board granted an extension of one year -- to October 11, 1969.

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Mr. Pammel was present to answer some of the Board's questions regarding reorganization of County departments.

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Mrs. Henderson read a letter from Mrs. Jacqueline S. Novak requesting an extension of her special use permit to operate a riding school at 1891 Hunter Mill Road which expires October 10, 1968. The letter also contained a request that the Board relieve her of the obligation of surfacing the deceleration lane with a two-shot surface treatment which deceleration lane is completely finished now except for the treatment. The Highway Department is planning to construct an 80 ft. right of way over this improvement within 8 - 12 months.

The Board voted to grant the request for extension to September 1,1969 and waiving the surfacing requirement for the deceleration lane.

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Mrs. Henderson read a request from the Fairfax-Falls Church Mental Health Center stating that they are conducting a joint program with the Special Education Department of the Fairfax County schools which requires that parents of children in classes for children with learning handicaps come to the Mental Health Center once a week to meet with therapists at the Center. Three of the classes are in the Springfield area and they would like to open the psychiatric clinic at 7010 Calamo Street in Springfield on Tuesday night until ten, Wednesday night until ten, and Saturday morning until noon in order that parents of children in special education classes in the Springfield area may go to that clinic rather than coming to Seven Corners. There are eight children in each of the classes so it would be expected that there would not be more than eight couples and two staff members involved in these evening hours.

The Board voted to allow the hours of operation to be extended to 10 p.m. on Tuesdays and Wednesdays and on Saturdays until noon. This will be for a trial period of six months and if there have been no complaints, this can run until the end of the use permit.

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Mrs. Henderson read a letter from Mr. Roy Spence regarding the Graham Virginia Quarries. The permit expires on November 9, 1968 and since the quarry has been operating for many years and has been under the close surveillance of the Zoning Office, he wondered whether it would be necessary to file the full amount of information on the quarry.

The Board asked the Zoning Administrator to bring in a report at the next meeting on what the situation is at the present time. There should be a summary of the latest two reports of what improvements they have made so the Board will know whether or not to extend the permit.

If the Board upgrades the operation each time it comes before them, there would be no problems, Mr. Smith said. He would like to know the name of the dust controls, etc. He asked the Zoning Administrator to get a report from Mr. Lynn of Occoquan as to what the citizens think should be done to improve the operation.

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Mrs. Henderson stated that she had received a telephone call from Mrs. McKinney of King's Park West about the Boyett School and she would like the hearing reopened. She wants a fence built around the property before they start construction. Mrs. McKinney's child is enrolled in the Boyett School and her objection is that she was not notified of the hearing. The property was properly posted and advertised. Mr. Boyett notified two adjacent property owners and three others in the area, including one who had objected before. Mr. Boyett has stated that he

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will send a letter to Mrs. McKinney stating that he will build a fence.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

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

January 23, 1969
Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 8, 1968 in the Board Room of the County Courthouse. All members were present except Mr. Barnes. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

JEAN KELLEY, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 3514 Lockheed Blvd., Lee District, (R-17), Map No. 92-4 ((1)) 11, S-951-68

Mrs. Kelley stated that she lives with the Haynes'. Mrs. Haynes is an invalid who cannot get out and she takes care of her. She would operate the beauty shop from 9 a.m. to 4 p.m. five days a week, Monday through Friday.

Mr. Yeatman asked if Mr. Haynes would be willing to dedicate the land to the State for road improvements as recommended in the Staff report.

Mr. Haynes agreed that this would be done. He moved into this house in 1950, he said, and the house is on public water and sewer. The beauty shop would be in the basement.

No opposition.

Mrs. Henderson noted two letters from adjacent property owners stating that they had no objections and also a list presented by Mrs. Kelley with a number of signatures in favor of the application. There was a copy of a letter to Mr. Haynes from B. F. Saul Company indicating that the apartment owners would have no objection to the use.

Mr. Smith felt this was a compatible use for the area and that the application should be amended to read Jean Kelley, operator, and Ernest D. and Wilhelmena Haynes, owners.

In the amended application of Jean Kelley, operator and Ernest D. and Wilhelmena Haynes, owners, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop as home occupation, 3514 Lockheed Boulevard, Lee District, Mr. Smith moved that the application be granted under the following conditions: that there be a dedication of up to 40 ft. from the center line of Lockheed Boulevard for the full frontage of the subject property, but not closer than 5 ft. from the existing dwelling. All other provisions of the Ordinance pertaining to home occupation under this section, including approval of the Fire Marshal and Health Department, must be complied with. This is an unusual situation where the beauty shop operator resides in the home of Mr. and Mrs. Haynes and takes care of Mrs. Haynes. Seconded, Mr. Baker. Hours of operation will be 9 a.m. to 4 p.m. Monday through Friday. Carried unanimously.

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ST. CHRISTOPHER'S NURSERY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school in existing church building; hours of operation 9 a.m. to 2:45 p.m. three days a week, (Monday, Wednesday and Friday), maximum 45 children each session, 6320 Hanover Avenue, Lot 2, Blk. 39, Sec. 2, Monticello Forest, Springfield District, (R-12.5), Map No. 80-3 ((3)) (39) 2, S-952-68

Reverend Tuller and Mrs. Kirkpatrick appeared in support of the application.

Mrs. Kirkpatrick, Secretary of the School, stated that the school is already in operation. There was a kindergarten there in previous years and this school has been operating under their permit. This summer they discovered that they should apply for their own permit. The kindergarten

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ST. CHRISTOPHER'S NURSERY SCHOOL - Ctd.

was let on a concessionaire basis operating with the church but it went with the public schools. The nursery school under consideration would have three and four year olds, two different sessions, limited to not more than 45 children each session. This is church sponsored and is in the church building.

Reverend Tuller stated that the existing church is being converted to classroom space and a new church is under construction.

How did the existing church get this close to the property line, Mrs. Henderson asked?

Mrs. Bailey replied that at one time it was R-10 zoning.

How much parking would be needed for the school, Mrs. Henderson asked?

Reverend Tuller said he felt that four spaces should be adequate as the parents bring the children to school.

No opposition.

In the application of St. Christopher's Nursery School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school in existing church building, hours of operation 9 a.m. to 2:45 p.m., three days a week, (Monday, Wednesday and Friday), maximum of 45 children each session, 6320 Hanover Avenue, Lot 2, Block 39, Section 2, Monticello Forest, Springfield District, Mr. Smith moved that the application be approved. It has been pointed out that the church building now on the property was probably built under R-10 zoning and is now in a non-conforming status. Therefore he moved that the application be amended to allow a variance as to setbacks along Hanover Avenue and setbacks on parking as indicated on the plat. This parking has been continually in use for a number of years and there has been no objection fro adjoining property owners. To change it would necessitate destroying a wooded area which serves as screening to adjacent residential areas. All other provisions of the Ordinance pertaining to this application shall be met. It is recommended that the applicant apply for exception to site plan requirements. Seconded, Mr. Yeatman. Carried unanimously.

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KARLOID CORPORATION, application under Section 30-7.2.5.1.5 of the Ordinance, to permit addition of laboratory building, (approx. 13,000 sq. ft.), for research and development in the human sciences area through the use of large animals, north side of Leesburg Pike at Towlston Road, Dranesville District, (RE-1), Map No. 19-4 ((1)) 31 and 16, S-954-68

Mr. Richard Henninger stated that the proposed building would be constructed approximately in the middle of the property. This would be a 97 ft. by 105 ft. one story building constructed of colored cinderblock. This would be for large animal studies -- pigs, sheep, cattle -- the general classification of farm type animals. These animals would always be inside the building. The animals outside are not being used for study. They have a herd of black angus cattle used primarily for clipping the grass.

Dr. Painter, in charge of the Toxocology Division, stated that the only time the animals involved in the study would be outside is when they are being transported by trucks. They will leave as carcasses. The building will not be air conditioned but the humidity will be controlled and there will be air movement. There will be no manure piles and the rodent and insect control will be pretty well in hand. They do not expect an odor problem. They are using Mr. Yates of V.P.I. as consultant and several men from the Agriculture Department. Disposal of the animal wastes will be through the sewer lines. This facility was planned so that they would not need bedding of any kind under the animals. All of these animals will be short term studies and they will be on a concrete grill. This study will be for the benefit of both animals and mankind. There will be space for approximately 32 cattle; 300 pigs; 300 sheep and about 1200 chickens and other poultry. At the present time they have some pigs out there that are being used as models for human arthritis under a Government contract primarily for studying human arthritis and if they are successful they would anticipate another study on pigs that could go on for two more years.

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Karloid Corporation - Ctd.

How much parking will be necessary for this building, Mrs. Henderson asked?

There will be two vets, five technicians, and altogether less than ten people, Dr. Painter said. They have shown more parking than will be necessary.

Mrs. Henderson read a letter from Mr. Durham expressing concern about possible odor and noise from this project.

Dr. Painter said that he did not anticipate any problems with odor or noise. There will be no windows or outside openings in the new building except the doorways. The building will be temperature and environmental controlled and panelled in the same way as all of the other buildings. The experimentation here does not require cooling below a certain temperature. Almost all of their buildings have filters to filter the used air before it leaves the building and the building will be soundproof so that noise will not extend beyond the property lines.

Mr. Smith requested that Karloid Corporation furnish a plat covering the entire operation, showing location of all buildings and number of parking spaces; size of each building and use of each building, to submit to the new Land Use Administration Division of the Department of County Government. This plat should show the setbacks of each building.

In the application of Karloid Corporation, application under Section 30-7.2.5.1.5 of the Ordinance, to permit addition of laboratory building, (approximately 13,000 sq. ft.), for research and development in the human sciences area through the use of large animals, north side of Leesburg Pike at Towlston Road, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted for the proposed building addition to the complex of buildings previously granted to the Karloid Corporation. This will be a one story building approximately 97' x 135' to be situated in the area set forth on plats presented. This will be of architectural design of colored cinderblock and basically as outlined in the model presented to the Board. It is understood that the applicant will present for permanent record to the new Department of Development a complete plan with all existing buildings and proposed buildings as granted as outlined in the discussion. All other provisions of the Ordinance pertaining to this particular application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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TRUSTEES OF CHESTERBROOK PRESBYTERIAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, (non-profit County supported), maximum 60 children at any one time, hours of operation 7 a.m. - 6 p.m., five days a week, Monday thru Friday, 2036 Westmoreland Street, Dranesville District, (RE-1), Map No. 40-2 ((1)) 26, S-955-68

Mr. William Stell stated that they have been favored by being included in the County Budget for the fiscal year in the amount of $14,000 or about one half of their budget. The remainder of their budget will be figured from other sources including tuition charges made to parents. This will be a 50 week per year operation. This would be pre-school, ages 3, 4 and 5. There will be a bus for picking up the children. They do not expect to need more than possibly ten parking spaces. They only plan to have four or five teachers.

No opposition.

In the application of Trustees of Chesterbrook Presbyterian Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, (non-profit County supported), maximum 60 children at any one time, hours of operation 7 a.m. to 6 p.m. five days a week, Monday thru Friday, 2036 Westmoreland Street, Dranesville District, Mr. Smith moved that the application be granted. It has been recognized that the parking facilities of the church are not in conformity with the application for the school and it is moved that the application include a variance to allow parking connected with the day care center to conform to that of the normally used parking area for church uses. This is an operation of 50 weeks per year. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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MARK J. SISINYAK, application under Section 30-6.6 of the Ordinance, to permit erection of garage 31 ft. from Ellet Road, 5324 Moultrie Road, Lot 14, Block 11, Section 4, Ravensworth, (R-12.5), Map 79-2 ((3)) 11, 14, V-956-68

Mr. Sisinyak listed his reasons for requesting a garage -- protection for his automobile, to provide more storage area, and to allow him to have a workshop. This seems to be the best location on the property for construction of a garage. The topography in the rear of the home is quite hilly. He bought the home under the impression that he could build a carport or garage. He moved into this house in February of 1968. The garage would be a one story structure and the roof line would be the same as the house itself.

Mrs. Henderson suggested constructing a carport with a storage area in the rear.

Mr. Sisinyak said that a small building behind the carport would not provide him with a workshop.

No opposition.

To deny the application would not deprive the applicant of the use of his property, Mrs. Henderson said; there are other corner lots in the neighborhood that cannot have garages without variances. This was a recent purchase and the applicant proposes other uses than specifically being a garage.

In the application of Mark J. Sisinyak, application under Section 30-6.6 of the Ordinance, to permit erection of garage 31 ft. from Ellet Road, 5324 Moultrie Road, Lot 14, Block 11, Section 4, Ravensworth, Mr. Smith moved that the application be approved as applied for and that all other provisions of the Ordinance pertaining to the application be met. Seconded, Mr. Yeatman. Carried 3-1, Mrs. Henderson voting against the motion as she could see no evidence setting this case apart from any other cases of corner lots in Ravensworth. In spite of the fact that there may be a topographic situation in the back yard all of the evidence presented seems to be of a personal nature.

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PHILIP B. FAGELSON, MURRAY GOLDBERG & MORTON BLUM, application under Section 30-7.2.10.4.1 of the Ordinance, and 30-6.6, to permit erection and operation of motel 50 ft. from right of way of Interstate Route 495, corner of Elmwood Drive and East Drive, Lee District, (CDM), Map No. 83-1, 2, 4, S-957-68

Mr. Bernard Fagelson stated that he had worked out an agreement between the citizens in the area and the owners of the property as to the type of construction for the motel. However, even though he notified six property owners, he discovered that none were adjacent. Representative of the citizens association is present today.

Mr. Johnson of the Citizens Association stated that he believed the adjacent property owner was aware of the variance being requested and he has no objection to the motel proposed to be constructed.

Mr. Baker moved that the requirements of notification to adjacent property owners be waived. Seconded, Mr. Yeatman. Carried unanimously.

This request would make possible building of a motel in CDM zoning, Mr. Fagelson stated. They are asking for a variance of 25 ft. to the Beltway. Some months ago, on behalf of the applicant, he met with the Burgundy Village Citizens Association and agreed to comply with certain requirements which they felt would protect them and the area -- that no commercial use other than a motel operation and associated activities, gift shop and restaurant, would be allowed, and that there would be no buildings in excess of 40 ft. in height. They also agreed that any lights installed anywhere on the property would be shielded in such a way that they would not be visible, and they would do certain work along Elmwood and East Drives, but not dedicate because they already have setback problems.

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PHILIP B. FAGELSON, MURRAY GOLDBERG & MORTON BLUM - Ctd.

This agreement is a matter of record in Fairfax County now and there will be covenants running with the land, Mr. Fagelson continued. Everyone in the area felt that a motel would be an ideal use for the property and this is a technical variance because the Beltway itself would be several hundred feet from the property. This was zoned six or eight months ago with the understanding that it would be used for a motel. This agreement was reached before the time of rezoning. There will be a maximum of 200 rooms and they will put a fence and shrubbery around the residences if the owners require it. This will be limited to 40 ft. in height and they do not anticipate any parking problems. They will agree to provide 250 parking spaces.

The plats have no metes or bounds, Mrs. Henderson pointed out, and the parking spaces are not shown. This should be deferred for new plats.

Mr. Johnson from the Citizens Association concurred in Mr. Fagelson's statements. The motel has been discussed a number of times at Citizens Association meetings and they have no disagreement to a motel being constructed on the property.

No opposition.

This is going to be a modern type of construction, Mr. Fagelson added. The original building was to have been a six story brick building. The only entrance will be from East Drive. At the present time this is on two parcels separated by a dedicated street but they have promised the citizens that it will be vacated.

Mr. Yeatman moved to defer to October 29 for new plats and additional information requested. The plats should show the entire property connected with this including the area to be used for parking. The plats should show the number of proposed rooms and some idea of the seating capacity of the public rooms. Seconded, Mr. Baker. Carried unanimously.

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COMMONWEALTH SWIM CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, bath house, tennis courts, snack bar and other recreational facilities, west side of Twinbrook Road opposite Guinea Road, Springfield District, (RE-1), Map 69-1, S-958-68

Mr. Bernard Fagelson represented the applicants. This is an application for a swimming pool for Kings Park West, he stated. In this particular application there are 5 1/2 acres which have been conveyed to the Commonwealth Swim Club by the owner of the subdivision. This will be a club for 350 members and the use will be limited to the members. Purchasers of the homes are aware that the pool will be here when they purchase their homes.

There will be an entrance off Commonwealth Boulevard, Mr. Fagelson continued, for maintenance and service vehicles only. The only parking road entrance is off Walport. A footpath goes from the parking lot past the recreational facility. The bath house will be 65' x 20' and this is the only structure on the property.

Col. Donbough stated that the building will be all brick exterior with cedar shake shingle roof. In the snack bar they will have machines for dispensing softdrinks and paper cups. They do not intend to dispense any food. Loudspeakers will be controlled from the main office. They plan to have two gas lights. The pool will be screened and they will comply with all Ordinance requirements. Hours of the pool will be from 9 a.m. to 9 p.m. and they would like to have special events three nights a month until 11 p.m. on week-ends.

Four people were present in favor of the application.

There was no opposition.

In the application of Commonwealth Swim Club, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, bathhouse, tennis courts, snack bar and other recreational facilities, Mr. Smith moved that the application be approved under the

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COMMONWEALTH SWIM CLUB - Ctd.

following conditions -- that the club provide a minimum of 116 parking spaces and it is understood that there will be a building 65' x 20' used as a bath house and snack bar for dispensing soft drinks only. Maximum family membership will not be more than 350 families. All lighting connected with the facility shall be directed so it will not interfere with the general health and welfare of any adjacent property owners; the noise level shall be contained on the property under the ownership or control of the swim club. All other provisions of the Ordinance pertaining to this application shall be met. It is understood that hours of operation will be from 9 a.m. to 9 p.m. with the proviso that they have three special nights a month during the normal swim season from 9 a.m. to 11 p.m. on Friday evenings unless rain interferes with the operation and if so, it would be moved up to a Saturday night. Seconded, Mr. Yeatman. 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 sewage pumping station, south of Ashbury Drive on the Rolling Valley Swim Club property, Springfield District, (R-12.5), Map No. 89-3, S-959-68

Mr. John T. Hazel, Jr. represented the applicant.

The site of the pump is also the site of the use permit that was approved for a swimming pool about two months ago, Mr. Hazel explained. The proposal is very simple and very temporary in nature. This is another in a series of expedients being used to bridge the gap between today and next September when the sewer is in operation. They propose to put a manhole pump in this location on the pool site and pump approximately 250 ft. up to Ashbury Drive where there is a gravity outfall. There will probably be 80 homes by the time this is hooked up to County sewer. Maximum capacity would be 100 homes. This is an enclosed pre-built type pump which actually amounts to an enlarged manhole, Mr. Hazel said.

Mr. King, recent purchaser of a home on Ashbury Drive, said he did not know that a swimming pool was going in across the street from him, and now a pumping station. He wondered how this would affect the value of his property.

The temporary pumping station would not affect him in any way, Mr. Smith assured Mr. King. It will be below the surface and is enclosed and they hope that it will be taken out within a year.

The people coming to the pool cannot park on the street, Mr. Yeatman told Mr. King, and there will be no access from Ashbury to the pool site so Mr. King would not get the automobile traffic past his home.

Mr. Hazel stated that the engineer represents that there will be no noise problem.

Mrs. Henderson read the Planning Commission recommendation approving the location.

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 sewage pumping station, south of Ashbury Drive on the Rolling Valley Swim Club property, Springfield District, Mr. Smith moved that the application be approved for a submersible pumping station located as shown on plats submitted and in conformity with the Staff recommendation that this be limited to a temporary use for a period of one year from date. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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ROY F. DEHAVEN, application under Section 30-6.6 of the Ordinance, to permit erection of garage 4.1 ft. from side property line, Lot 8, Section 2, Marlboro Estates, 7005 Poppy Drive, Dranesville District, (R-12.5), Map No. 40-2 ((25)) 8, V-960-68

Mr. Warren Shumaker, architect, stated that Mr. and Mrs. DeHaven recently

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ROY F. DEHAVEN - Ctd.

purchased the house and wish to add a garage.

Why does it have to be in this location rather than on the other side of the house where there is a place to put it, Mrs. Henderson asked?

A garage would be below basement level on that side, Mr. Shumaker replied, and he would prefer to have it off the kitchen where the driveway is in place and the slab for the carport. The land drops off quite rapidly in the rear and on the right side.

This is a sizable variance, Mrs. Henderson noted, and the Board should take a look to see if there is an alternate location.

No opposition.

Mrs. Henderson read a letter from Sheriff Swinson in favor of the application.

Mr. Smith moved to defer to October 29 to view the property. Seconded, Mr. Yeatman. Carried unanimously.

The Board requested that the Zoning Administrator furnish the Board with information as to the size of the subdivision and how many homes have carports or garages.

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AMERICAN LEGION POST #162, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of addition to existing lodge, 9420 Fourth Place, Lee District, (RE-1), Map No. 107 ((1)) 108A, S-953-68

Mr. Jim Simpson represented the applicant. The original permit was granted in 1950. There are 253 members at present time.

The existing building is non-conforming in setback, Mrs. Henderson pointed out, and the addition certainly would be too. It appears that the existing building is only 53 ft. from the undeveloped street and it is supposed to be 100 ft. today. It is possible that they might get permission to extend the building along the line of the present building but not to encroach fartherinto the setback area.

Does the Legion own the undeveloped street, Mr. Smith asked?

It is not shown on County maps, Mr. Knowlton commented.

Then the road would be a part of the Legion property and it would be conforming on that side, Mr. Smith concluded.

The proposed addition would be used for boy scout meetings, teen activities, etc. Mr. Simpson stated. The existing building is used for club activities. They would like to separate the bar in the present building from the group activities in the new building. Access is via Legion Drive. The houses on Legion Drive were constructed after the lodge was constructed.

Mr. Smith suggested moving the parking lot location and build the addition on the other side.

The septic field is on that side, Mr. Simpson replied.

Mrs. Henderson suggested turning the whole building location around.

That would make the building impractical, Mr. Smith said.

From a fire protection standpoint it would be better to have it the way it is proposed than to build two buildings side by side, Mr. Smith said. He was aware of the 100 ft. requirements, he continued, but the Board should take into consideration that the entire area is undeveloped and any one moving into the area would be aware of the Legion. This is for the benefit of the community.

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AMERICAN LEGION POST #162 - Ctd.

Mrs. Henderson made several other suggestions which the other Board members did not agree with.

No opposition.

In the application of American Legion Post #162, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of addition to existing lodge and permit building closer to property line, 9420 Fourth Place, Lee District, Mr. Smith moved that the application be approved as shown on the plat, that sufficient parking be provided on the property within the required setback area to meet all parking for the facility itself. If 48 spaces are not adequate they would have to construct more parking areas. Seconded, Mr. Yeatman. Carried 3-1, Mrs. Henderson voting against the motion as she was not convinced that there wasnot an alternate location for the building or another way of getting the same square footage without granting the variance.

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GARY G. SLACK, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 6, Block 14, Section I, Mt. Vernon Manor, 8716 Falkstone Lane, Mt. Vernon District, (RE 0.5), Map No. 110-1 ((20)) (14) 6, V-961-68

Mr. Slack stated that there are steps leading from the kitchen which are 4 ft. wide. The chimney is about 1 1/2 or 2 ft. wide. They moved into the house about two years ago when the house was new. About 75% of the houses in Mt. Vernon Manor have carports.

Mrs. Henderson stated that the steps seem to be the biggest obstacle and they do not show on the plat. There is a space between the steps and the chimney and the car door could be opened in this space.

No opposition.

In the application of Gary G. Slack, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 6, Block 14, Section I, Mt. Vernon Manor,8716 Falkstone Lane, Mt. Vernon District, Mr. Smith moved that the application be approved in part -- to allow the applicant to construct a carport 13 ft. from the property line. This would bring the front portion of the carport into compliance and allow construction of the rear portion of it within 13 ft. of side property line. Seconded, Mr. Yeatman. Carried unanimously.

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ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of special learning school in Springfield Methodist Church, maximum 40 children, hours of operation 8:30 a.m. to 1:30 p.m. 5 days a week, 7047 Old Keene Mill Road, Springfield District, (RE-1), Map No. 90-1 ((1)) 53, S-971-68

Mrs. McConnell stated that she had searched diligently and had been unable to find any plats showing metes and bounds and setbacks of the church.

Mr. Baker moved to accept the plats presented. Seconded, Mr. Smith. Carried unanimously.

They would like to start classes in the church building for children with special learning difficulties, Mrs. McConnell explained. These children cannot be placed in County schools. There will be eight children to a class. They started one class yesterday in their own building but they don't like to have a teacher alone with the youngsters in this building so they will wait until they get their second class and move them both into the church building. They will accept children through the elementary grades. They have run into older children who need this elementary instruction. Neurologists and physicians tell them that these children can return to normal school after attending this school if

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ACCOTINK ACADEMY - Ctd.

they start when they are six or seven years of age. A hyperactive child should be able to outgrow this in a period of three years.

This is a step in the right direction, Mr. Smith stated, but the number that Mrs. McConnell spoke of is only a very small percentage of the children who need the school.

The ideal situation is for the County to operate the school, Mrs. McConnell said. A specialized teacher costs $1,000 in salary and only working with eight children would mean a very high tuition. All of these children have applied for State grants but she did not know how much they would receive.

The School cannot provide transportation, Mrs. McConnell continued, as the children are spread out all over the County. They would like to have a maximum of 40 children at any one time. There is plenty of room and they have made arrangements with the church to use it for this purpose. They will have a summer program also.

No opposition.

In the application of Accotink Academy, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of special learning school in the Springfield Methodist Church, maximum 40 children, hours of operation 8:30 a.m. to 1:30 p.m. five days a week, 7047 Old Keene Mill Road, Springfield District, Mr. Smith moved that the application be approved. The parking setback for the church use does not meet the requirements of the group under which this application was filed therefore the Board must recognize the existing parking area as set forth and include this in the parking area assigned for the school, in essence, granting a variance for the use that is requested. All other provisions of the Ordinance pertaining to this particular application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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BEA MAR ASSOCIATION OF VIRGINIA, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 21.50 ft. from rear property line, Lot 9, Block 1, Sec. 2, Milway Meadows, 7501 Toll Ct., Mt. Vernon District, (R-12.5), Map No. 93-3 ((1)) 6, V-975-68

The applicant requested withdrawal of the application, Mrs. Bailey told the Board. The property was not posted nor advertised.

Mr. Baker moved that the application be allowed to be withdrawn with prejudice. Seconded, Mr. Smith. Carried unanimously.

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ZINN, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, bath house and other recreational facilities set forth in site plan, Strathmeade Square Town Houses, Providence District, (R-T), Map No. 59-1, S-941-68 (deferred from Sept. 10, 1968)

Mr. Garnett stated that this is a planned project under FHA in which all of the open land including the swimming pool, tennis courts, etc. are dedicated to an Association. The site plan of the entire project has been approved by FHA. They would like to have the pool ready for next spring. These are sale town houses. About 115 homes have been sold out of 300 and prices start at $27,000. These people will all be owners of the pool membership. Membership is automatically tied in with covenants and restrictions put on record with the sale of the house. They are assessed for dues and in the event they don't pay them, it is assessed against their property just as any other tax. The Association will maintain all of the green space. They probably would only have softdrink machines in the snack bar. The bath house will be a club house for the entire community and it will be 24' x 48'. Bath facilities will be in the basement with the club room in the top portion.

No opposition.

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ZINN, INC. - Ctd.

In the application of Zinn, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, bath house and club house 24' x 48' and other recreational facilities set forth on the site plan, Strathmeade Square Town Houses, Providence District, Mr. Smith moved that the application be approved as applied for and to meet all requirements of the Ordinance as related to community facilities such as outlined. All other provisions of the Ordinance pertaining to this particular application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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HENRY H. DONOVAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5 ft. from side property line, 10229 Antietam Ave., Lot 13, Blk. P., Sec. 6, Mosby Woods, Providence District, (R-12.5) Map No. 47-4 ((7)) (p) 13, S-948-68 (deferred from Sept. 24, 1968)

Mrs. Henderson stated that she had viewed the property and the steps looked a little bit narrow. They had been turned around to come up sideways. In the back of the slab there is a drop of about 6 ft. so the carport could not go there.

Mr. Smith informed the Board that under the County Building Code the steps must be at least three feet wide. This should be deferred to October 22 to check into this. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. John T. Hazel, Jr. came before the Board to discuss the application of Truro Joint Venture granted by the Board September 24, 1968 for 300 members. This was a mistake on the plat, he said, it showed 300 members and actually it should have read 400. Because the membership is included in the purchase price of the home, Mr. Hazel said, there would not be the potential use as where people pay to buy a membership in the pool. Some people won't participate very much. Walkways are being put in and bonded, and the walkway system is being featured very prominently in the pattern of community life. They would like to amend the motion to read 400 members with 100 parking spaces.

Mr. Smith stated that he would go along with this with the understanding that if there comes a time when parking is not adequate it would be up to the owners to reduce the membership or expand the parking. This is a large pool and they will participate in swim meets and this is the main problem.

Mr. Smith moved that the request of the applicant be approved to allow a membership of not more than 400 families with the present parking of 100 spaces as shown, with the understanding that if this parking is not sufficient to accommodate all users of the facility at any time the applicants or civic organization must enlarge the parking facilities to make them adequate for all users of the facility. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Tom Lawson was present to discuss the application of Computer Age Industries which was granted by the Board. They hope to have their building repairs completed by November 1 and the Staff will allow them to occupy the building once site plan has been approved, subject to meeting all other terms of the Ordinance. They are afraid they will run into areas of problems in asphalting -- November 15 is the State cut off date and they may be unable to finish the surface before that time.

The Board agreed that if the parking area is completed and curb and gutter installed they could have a temporary 90 day occupancy permit and the deceleration lane should be paved and completed within sixty days after the paving season opens.

The meeting adjourned at 5:15 P.M.
By Betty Haines

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

January 23, 1969 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 22, 1968 at 10:00 a.m., 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.

ARTHUR P. BONA, application under Section 30-6.6 of the Ordinance, to permit erection of carport 41.1 ft. from Cherrytree Drive, 4004 Westgate Drive, Lot 8, Section 1, Mt. Vernon Forest, Mt. Vernon District, (RE 0.5), Map No. 110-2 ((11)) 8, V-962-68

Mr. Bona stated that he has a circular driveway where his car is parked now. This is on a hill and his car has rolled down the hill on several occasions. He proposes to build a carport to house his car to keep it from being pilfered. He described what had happened to his car and his daughter's convertible while parked in the driveway -- a convertible top was slashed, his carburetor and air filtering system stolen, and windows of his car have been broken out and he would like to get his car under cover. The carport would also be used for storing bicycles which belong to his five children.

The size of the carport could be cut down, Mrs. Henderson suggested, and a storage shed could be put in the rear of it for storing the bicycles. When was the house built, she asked?

In 1962, Mr. Bona replied.

No opposition.

The variance case is a little weak, Mr. Smith commented, as the request is not based on the Ordinance. Unfortunately the Ordinance does not take into consideration damage and theft to automobiles as a reason for granting a variance.

This was a model home at the time the subdivision was built, Mr. Yeatman said, and the house was placed at such an angle on the lot that a carport would have to have a variance.

In the application of Arthur P. Bona, application under Section 30-6.6 of the Ordinance, to permit erection of carport 41.1 ft. from Cherrytree Drive, 4004 Westgate Drive, Lot 8, Section 1, Mt. Vernon Forest, Mt. Vernon District, Mr. Smith moved that the applicant be allowed to construct a carport 12 ft. wide, meaning 47.1 ft. from Cherrytree Drive. This would be a minimum variance and maximum usability under the Ordinance to relieve certain hardships that are now existing as far as housing the applicant's automobile. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. 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 day nursery, 30 children, ages 2-6 years old, hours of operation 7 a.m. to 6 p.m., 5 days a week, 2905 East Preston Avenue, Lots 207 and 208, Block F, Memorial Heights, Mt. Vernon District, (R-12.5), Map No. 93-1, S-963-68

For three years she had ten children, Mrs. Augustine explained, and came back to the Board in 1966 for five more. The permit was granted for a period of five years. There have been parking problems because she has a bus, two station wagons and a Dodge camper that sleeps nine people parked out front. Her husband has gone overseas on military duty, and has suggested that she move out of the house and turn the whole thing into a school. She would like to do this and increase the number of children to thirty. The camper will be stored and one station wagon will be removed from the property. There will be no children on the property after 6 p.m. She owns four commercial lots across Route 1 about three blocks from the house. She was planning to build a school on that land but the storm sewer problems held up construction for another year. She requested a temporary permit to operate in this house until the new school is built.

The Board discussed the parking situation and noted that there was not enough room on the property and they would not be allowed to park on the street. The bus would have to be taken to the commercial property after delivering the children to the school.

Mr. Turner, brother of the applicant and next door neighbor, appeared in opposition. The parking situation has caused him many problems and he would like this corrected. He also objected to any increase in enrollment as he must work at nights sometimes and sleep during the day and the children make a lot of noise.

If there is any violation of parking with the school use, this should be reported to the Zoning Administrator, Mr. Smith advised, and the situation will be corrected.

Mrs. Augustine said there would be three assistants helping her with the school and sometimes her seventeen year old daughter helps out. All of the help comes on the public bus or are picked up by Mrs. Augustine if they are on her route.

When parents drop off the children at the school they should not block anyone else with their cars, Mr. Smith warned, and rather than pulling into the driveway and backing out into the streets, it would be better to back into the driveway and let the children out. The camper should be moved from the property immediately and the parking restrictions will be enforced immediately.

In the application of Lucille E. Augustine, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day nursery, maximum of 30 children, ages 2-6 years old, hours of operation 7 a.m. to 6 p.m., 5 days a week, 2905 East Preston Avenue, Lots 207 and 208, Block F, Memorial Heights, Mount Vernon District, Mr. Smith moved that the application be approved as applied for and it should be pointed out that this is an extension of a use that is existing in this location and has been there for a number of years. The applicant desires to move from the building and use the entire building for school purposes. The building will be renovated to meet all requirements of the Inspections Division and Health Department and the applicant will remove all vehicles under the ownership of the applicant and her family or any relatives that might be living here and parking their vehicles in connection with this residence. The applicant will remove the Dodge camper bus now parked on the premises, within 48 hours from 12 noon today; only one vehicle shall be parked in front of the school during hours of operation (this is to be the automobile or station wagon in the ownership of the applicant or applicant's agent) and at no time shall there be more than two vehicles (station wagons or autos) parked in front of the premises. The applicant shall provide an area to pull off the street for people picking up students at the school. It should be pointed out that if the permit is granted the applicant will have to adhere to these parking requirements or her permit will be in jeopardy of revocation if there are complaints. This is an extension of her present permit, running concurrently with the existing permit granted in January 1966 and will expire two years from January 1969. Seconded, Mr. Barnes. Carried unanimously.

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JOHN W. FOLLIN, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed, Lot 28, Section 1, Westmoreland Park, 2214 Westmoreland Street, Providence District, (R-10), Map No. 40-4 ((6)) 28, V-964-68

Mr. Follin explained that he would like to move the posts 2 ft. beyond the 5 ft. mark setting them at the 3 ft. mark. The concrete driveway is already there. The posts will be of brick. The neighbor adjoining his property has a garage and is in favor of the application.

No opposition.

Mrs. Henderson said that her interpretation of the Ordinance was that a carport in R-10 zoning could come within 5 ft. of the property line by right but this would not allow an overhang.

Mr. Knowlton's interpretation was that the overhang should not be any closer to the property line than 5 ft.

In looking at the Ordinance again, Mrs.Henderson read "cornices, canopies, eaves -- and other features, not nearer to any lot line than a distance of 2 ft." There is no other required side yard into which an overhang could be extended 3 ft. and be as close as 2 ft. from the lot line except in a case such as this, she said. This must have been carried over from the old Ordinance in 1959 when an amendment pertaining to carports and porches was deleted.

The roof would be A-frame, Mr. Follin explained, and the water would not go onto the neighbor's property. That neighbor has no objection.

Mr. Smith suggested granting a 1 ft. variance into the setback area, 1 ft. beyond what is allowed by right, and then not more than 1 1/2 ft. of overhang. The posts would have to be kept at the 11 ft. mark.

Mrs. Henderson thought that was very generous because she felt that the 1 ft. variance was not really essential. He could have a 10 1/2 ft. carport by right.

Mr. Smith added that this is providing that he builds it with an A-type roof and that water be channeled so it will not interfere with the neighbor's property.

In the application of John W. Follin, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed,

JOHN W. FOLLIN - Ctd.

Lot 28, Section 1, Westmoreland Park, 2214 Westmoreland Street, Providence District, Mr. Smith moved that the application be granted in part to allow the applicant to build an 11 ft. carport; this means the posts would be placed 4 ft. from the property line, and that the applicant be allowed to have a 1 1/2 ft. overhang beyond that. This would give him an overall building roofline of 12 1/2 ft.; posts to be placed at the 11 ft. mark. All other provisions of the Ordinance must be met. It is understood that the applicant will construct an A type roof and drainage will be all on the applicant's property and will not interfere with adjacent property owners. Seconded, Mr. Barnes. ~~Carried unanimously~~ MRS. HENDERSON, VOTED NO. CARRIED 4-1.

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ANTON SCHEFER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of school of approximately 27 pupils, in Lewinsville Presbyterian Church, ages 7-14 years, hours of operation 9 a.m. to 2 p.m., five days a week, 1724 Chain Bridge Road, Dranesville District, (R-12.5), Map No. 30-3 ((1)) 61, S-965-68

Letter from the applicant requested deferral because notices had not been sent out. Mr. Smith moved to defer to November 12. Seconded, Mr. Barnes. Carried unanimously.

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The application of BOULEVARD ASSOCIATES was placed at the end of the agenda because the applicant's attorney could not be present at this time.

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LEONARD WORTHMAN, application under Section 30-6.6 of the Ordinance, to permit erection of garage 5.6 ft. from side property line, Lot 18i, Section 2, Stonewall Manor, 8322 Stonewall Drive, Centreville District, (R-12.5), Map No. 39-3 ((16)) 188, V-966-68

Mr. Worthman stated that his son has cerebral palsy and because of his problems of walking and getting around they had to get him a delivery tricycle instead of a regular bike and they need a place to store it. They had to buy a large vehicle for transporting this tricycle and when they measured the available space they came up with this request.

The Board can appreciate the situation regarding your son, Mr. Smith told Mr. Worthman, but the Ordinance does not give the Board authority to take this into consideration in granting variances. A variance must be based on unusual circumstances pertaining to the lot. There is an unusual situation in this case -- the large storm sewer easement. There is no alternate location for a garage. 15 ft. would give adequate room for the van and the tricycle to park.

No opposition.

Mrs. Henderson pointed out that the applicant could have a 13.6 ft. garage by right.

Mr. Smith stated that he hoped the neighbors would take any granting that this Board might make into consideration when they look at this simply because of the unusual circumstances in this case. One-half of his lot is utilized by the storm sewer easement. He added that he hoped that there would not be a flood of applications from people wanting carports and have no problems with their land area.

In the application of Leonard Worthman, application under Section 30-6.6 of the Ordinance, to permit erection of garage 5.6 ft. of side property line, Lot 188, Section 2, Stonewall Manor, 8322 Stonewall Drive, Centreville District, Mr. Smith moved that the application be granted in part to allow construction of a garage 15 ft. in dimension rather than the 20 ft. requested. This is to construct the garage 10.6 ft. from the side property line. All other provisions of the Ordinance pertaining to this application shall be met. This is granted because of the large storm sewer easement and the unusual circumstances connected with the applicant's property. Seconded, Mr. Barnes. Carried unanimously.

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FRANKLYN A. JOHNSON, application under Section 30-6.6 of the Ordinance, to permit construction of a four horse stable 25 ft. from side property line, 8878 Hooes Road, Springfield District, Lot 4B, Lovell M. and Lorene Davis property, (RE-1), Map No. 97 ((1)) 56F, V-967-68

This man has more land than someone in a two acre subdivision, Mr. Smith pointed out, where this request would be allowed by right. Larger areas should have the same consideration as a two acre recorded subdivision.

Why can't this be moved 50 ft. from the property line, Mrs. Henderson asked?

There is a brook there, Mr. Johnson replied, and very steep wooded hills. The creek overflows periodically and he is putting it as far back as possible and still be on dry ground.

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FRANKLYN A. JOHNSON - Ctd.

This is an excellent case for a variance due to the pipe line easement adjoining this property, Mr. Smith said, but not 25 ft. 50 ft. would not be detrimental but 25 ft. is excessive.

Mrs. Henderson suggested turning the barn and picking up more space.

This will be a 36'x 24' barn, Mr. Johnson said, and they have placed it in such a manner as to save as much pasture as possible as they don't have much pasture land.

Unfortunately, the Board cannot consider pasture in granting a variance, Mr. Smith pointed out.

Mrs. Henderson felt that this was a personal consideration rather than a topographic situation. The Board could consider a 50 ft. setback because the adjoining land is not going to be used for dwellings and this would not be detrimental to the adjoining property. Considering the easement, this stable would still be 100 ft. from any house that might be built on Lot 5.

Mr. Smith asked Mr. Johnson if he had any intentions of using this for riding school for for giving instructions.

Mr. Johnson replied no, that it is strictly personal and private.

In the application of Franklyn A. Johnson, application under Section 30-6.6 of the Ordinance, to permit construction of a four horse stable 25 ft. from side property line, 8878 Hooes Road, Springfield District, Lot 4B, Lovell M. and Lorene Davis property, Mr. Smith moved that the application be granted in part -- that the applicant be allowed to construct a barn 36' x 24'and no closer than 50 ft. from side property line. All other provisions of the Ordinance pertaining to this application shall be met. It should be pointed out that the applicant's property is contiguous to a 50 ft. easement granted to a pipe line, therefore this is an unusual situation where the Board has authority to grant a 50 ft. variance as set forth in the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH TAYLOR, application under Section 30-6.6 of the Ordinance, to permit erection of swimming pool 5 ft. from side property line, Lot 1, Block 28, Waynewood, 8801 Fircrest Place, Mt. Vernon District, (R-12.5), Map No. 111-2 ((6)) 1, V-968-68

Mr. Taylor stated that his property is too small to accommodate a pool in other than two portions -- one of which would cost him to remove some walks and terracing, and the other would be adjacent to the street. He would rather put the pool in the rear portion of the yard adjacent to the patio which is the area he uses for summer recreation. In addition, there is a fence there to screen the pool from two adjacent yards. There are trees in the other yards but since his yard was used as a construction area when they built the house, most of his trees were removed. None of the neighbors object to the request. They staked out the yard with several other varieties of pools and could not find one that was of sufficient size that they could really swim in.

A pool is desirable, Mrs. Henderson said, but it is not a necessity and there really is not room to put one.

Mr. Smith felt that some thought should be given to allowing a swimming pool to be built within 3 ft. of property lines. This is open space which is normally associated with side and rear yards. This would be for swimming pools built below the ground. He is in sympathy with the request, he said, but the Board must be guided by the Ordinance which does not give authority to grant variances for swimming pools based on the information granted. Possibly the Ordinance should be revised regarding swimming pools.

No opposition.

Mrs. Henderson pointed out that Mr. Taylor's lot is a corner lot which in a way restricts additions. He has two side lines instead of a rear line so he really picks up 12 1/2 ft. that way. He has more square footage than the average lot in R-12.5 zoning. He could have a smaller pool of a different shape, located differently.

The Board will have many of these in the future, Mr. Smith said, and should consider what position they are going to take.

The Ordinance would have to be changed first, Mrs. Henderson stated, and this would not take place for at least a year.

Mr. Smith requested an opinion from Mr. Pammel's office and deferring this application for a month to see if there is any thought of changing the Ordinance, taking swimming pools out of the category of structures if they are built below ground to be used as family recreation. Possibly they could be considered as an accessory use and grant a variance from the house to the pool rather than from the property line to the pool. Now 12 ft. is required between the house and the pool.

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JOSEPH TAYLOR - Ctd.

This is a corner lot, Mrs. Henderson pointed out, and there are two side yards -- the Ordinance says no accessory buildings shall be in a side yard.

Tennis court fences are another problem, Mr. Smith added, and there should be some exception to allow them higher than 6 ft. He moved that the application be deferred to November 26. Seconded, Mr. Barnes. Carried unanimously.

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JOHN O'NEAL, application under Section 30-7.2.2.1.3 of the Ordinance, to permit erection and operation of taxi-radio tower, 6521 S. Kings Hwy., Mt. Vernon District, (R-17), Map No. 92-2 ((1)) 20, S-976-68

Tom Lawson represented the applicant. Mr. O'Neal is owner-operator of Penn Daw Cab Company which has been in operation for more than six years in the County, Mr. Lawson said. As are all the others in the County, Mr. O'Neal's operation is franchised for a given area and serves in excess of 50,000 people living in this area. The base of the operation is located on Route 1 in an area zoned for commercial uses. The cabs are kept there and dispatched from this location. In this application they are simply asking to locate the tower on this property. This is one of the higher points in the area and it was located here because there was difficulty in operating from their commercial zone. There is a house on the property which is rented to one of Mr. O'Neal's cab drivers. The property contains a house and garage and contains over one acre. The tower is located well back from the side lines. It is a wooden pole with a radio aerial, total height of 88 ft. This property is designated for apartment use in the plan for the area. Apartments are in the rear, a school site is in the rear and across the road is a cemetery. 200 ft. from the subject property is the Fairfax County Water Authority tower with two radio towers on top of that. Mr. O'Neal tried to locate on top of the water tower but was not allowed to.

How did the tower get on this property without a permit, Mrs. Henderson asked?

When he bought the property the first of the year he was misinformed by the broker who handled it, Mr. Lawson said. He went ahead and put the tower on the property without County approval and was notified that he was in violation. It was the Staff's opinion that this was not allowed in a residential zone even with a special use permit.

All radio towers are commercial operations, Mr. Smith said. There are transmission towers all up and down the Atlantic Pipeline, up and down the railroads, and radio stations all over the County located in residential areas. The only requirement in the ordinance is to setback -- no other requirement. These are all commercial operations and granted in the same area by FCC.

As far as he is concerned, Mr. Smith added, this is a community use and he is allowed to have it with a special permit. Only the height of the tower is in violation and nothing else.

Mrs. Henderson read a letter from Donald Stevens, Assistant County Attorney, advising as follows: "In my opinion, the Board of Zoning Appeals may hear and determine this application for a special use permit under Section 30-7.2.2.1.3."

They actually transmit from the site on Route 1, Mr. Lawson stated. They do not transmit nor maintain a cab operation on this site. The only thing this tower is doing is transmitting and receiving. The actual voice comes from the location on Route 1.

Mr. Huveler, engineer, described Mr. O'Neal's problems in operating from his present location. When he gets into certain areas of Mount Vernon District he is being captured by Washington stations. There are six cab companies on this frequency.

Why did Mr. O'Neal move from his former location, Mr. Smith asked?

That was in the King's Highway Shopping center and they did not have enough parking spaces so he bought this commercial property at 8214 Richmond Highway, Mr. O'Neal said. He had problems the minute he set up the radio. The cabs would go into the Huntington or Fairhaven area and once they got over the hill their radios were dead. Many emergency runs were lost because of this. He bought the property in question for $24,000 just so he could locate his tower on the hill. Under his franchise he must stay open 24 hours a day and answer every call possible. He is the only company in the area to serve these people.

Mr. Lawson informed the Board that he was in error when he stated that the tower was 88 ft.; actually the pole, including the antenna, is 78 ft. high.

Could the height of the tower be reduced and still get the desired coverage, Mr. Smith inquired?

Yes, the top of the pole could be cut off, Mr. Huveler stated. It might be better to move the pole, however, and this could be done within 30 days without any trouble.

No opposition.

JOHN O'NEAL - Ctd.

Mrs. Henderson noted that the adjacent property owner, Mr. Bootevaugh had no objection.

Mr. Jon Larson of the Planning Staff referred to statements of opposition made at the Planning Commission hearing the night before. The statements referred to cabs being parked on the property, grass not being cut, repair work being done to the cabs on the property, and to radio and television interference.

This is hearsay information, Mr. Smith said. If there was opposition, the person should have been present before this Board to object.

Mr. Pask introduced two letters of opposition which had been presented at the Planning Commission hearing.

Mr. Larson read the Staff Comments reluctantly recommending approval of the existing tower provided the use is not expanded and the applicant be required to contribute his pro rata share for the Pikes Branch facility. He amended the recommendation to a permit for five years only rather than for an indefinite period.

Mr. Huveler stated that he had checked Mr. Bootevaugh's television set and there was no interference on that unit. He had not been able to get into Mr. Killian's home to check his equipment. 99% of television interference can be corrected.

Mrs. Henderson referred to a letter in opposition signed by Justus B. Naylor, giving no reason for opposing the application, and a letter signed by eleven different families including Mr. Naylor. These people objected because they felt the permit would violate the approved master plan for single-family use in this area.

This is a permitted use in a residential area, Mr. Smith reiterated.

Mrs. Henderson read the Planning Commission recommendation for denial as there was no evidence presented to them indicating that the tower could not operate on land on U. S. #1. (The engineer, Mr. Huveler had not been present at that hearing.)

Mrs. Henderson read the recommendation from the Health Department -- no objection, provided the sewer line is extended to serve this property.

No one will be on the property, Mr. Lawson contended, and he did not see why it would be necessary to have sewer serving the tower. The house is on septic.

Mr. O'Neal stated that the Health Department inspectors have checked the septic tank and it is working satisfactorily.

The use permit covers the entire property, Mr. Smith warned, and a malfunctioning septic system would put the permit in jeopardy. All County regulations must be complied with. No evidence of opposition has been presented today other than that related to Planning Commission hearing. This application, if granted, should be limited to the franchise time. Mr. O'Neal has a rigid contract with the County and this is a perpetual thing as long as he lives up to certain requirements. Possibly the Planning Commission failed to take into consideration that Mr. O'Neal's operation is regulated by the County of Fairfax through the Board of Supervisors and the Police Department.

In the application of John O'Neal, application under Section 30-7.2.2.1.3 of the Ordinance, to permit erection and operation of a taxi-radio tower at 6521 South Kings Highway, Mount Vernon District, Mr. Smith moved that the application be approved under the following conditions: that the applicant bring the existing tower into compliance meaning that the tower should be replaced on the lot with distance from all property lines being the height of the tower, or reduce the height of the tower in its present location bringing it into compliance with the County Ordinance as to fall area. That the applicant at all times maintain the property around the tower including the house and all buildings on the property in a neat manner, that the lawn be cut, grass be maintained, and no weeds allowed to grow on the property. It is understood that no vehicles in connection with the taxi-cab service will be parked on property and all broadcasting associated with this will be from the remote control area in the commercial zone. All other provisions of the Ordinance shall be met. The tower shall be brought into compliance within fifteen days. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

JULES STOPAK, application under Section 30-7.2.10.2.5 of the Ordinance, to permit erection and operation of car wash with gas pumps, Lots 15 and 16, part of Lot 14, Southern Villa, Springfield District, (C-N), Map No. 72-1 ((10)) 15, 16 and part of 14, S-876-68 (deferred from June 25, 1968)

Mrs. Henderson read the Staff report recommending denial.

The Board determined last time that this was all but a gas station and that it did not meet the setbacks, Mrs. Henderson stated. The Master Plan for this area calls for single-family residential use and the Staff report indicates that granting this application would have considerable deleterious impact on surrounding land.

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JULES STOPAK - Ctd.

This particular use would have more of an impact than another commercial use which may be permitted by right, Mrs. Henderson said.

A car wash is not any worse than a gas station, Mr. Batrus said, and there is an old repair garage located next door to this property.

The old garage is a non-conforming use, Mrs. Henderson said, and would not have been allowed today.

Mr. Smith pointed out that the Master Plan for the area does not propose any additional commercial zoning. We must abide by the Master Plan to a certain degree, he said. Originally this property was rezoned to provide parking for a business existing in the area.

Mrs. Henderson considered this to be a use of double impact since each use would need a use permit. A commercial use permitted by right in C-N would not have as much impact.

Mr. Knowlton commented that the uses listed as a matter of right in C-N are the type of things that would be listed as special permits in residential zones.

Mr. Yeatman felt that the proposed use was a good use and would not have a great impact upon adjoining property.

In the application of Jules Stopak, application under Section 30-7.2.10.2.5 of the Ordinance, to permit erection and operation of car wash with gas pumps, Lots 15, 16 and part of Lot 14, Southern Villa, Springfield District, Mr. Smith moved that the application be denied for the following reasons: the rezoning that took place in 1965 was based on alleviating the existing parking problems for a business in that area, that business being non-conforming as to setback and parking; there has been no additional rezoning to the east of this property in the past two or three years; the Master Plan for this area calls for residential development, and this being a use not permitted by right in a C-N zone this would have a greater impact than a use normally expected from businesses allowed by right. Following the Staff recommendation, he moved that the application be denied and this is not denying the applicant a reasonable use of his land. There are many other uses which can be put in this C-N zone. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion.

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No one was present to present the case of STANLEY REINES for nursery school, 5610 Bismach Drive, Valley Park Apartments. Mr. Smith moved that the application be deferred to November 26 and that the applicant be notified that if he is not present at that time the application will be denied for lack of interest. Seconded, Mr. Barnes. Carried unanimously.

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HENRY H. DONOVAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5 ft. from side property line, 10229 Antietam Ave., Lot 13, Block P, Section 6, Mosby Woods, Providence District, (R-12.5), Map No. 47-4 ((7)) (P) 13, S-948-68

Mrs. Henderson read a letter from the Building Inspector's office stating that the steps in question would be made 3 ft. wide.

Letter from Mr. Donovan indicated that the steps had been widened to meet County requirements.

In the application of Henry H. Donovan, 10229 Antietam Avenue, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5 ft. from side property line, Lot 13, Block P, Section 6, Mosby Woods, Providence District, Mr. Smith moved that the application be approved as applied for under the following conditions: that the building inspector's office ascertain by a visit to the property that the steps and railing comply with County requirements prior to issuing a building permit for construction of the carport. Seconded, Mr. Barnes. Carried unanimously.

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The application of BOULEVARD ASSOCIATES, A LIMITED PARTNERSHIP, application under Sec. 30-7.3.10.3.4 of the Ordinance, to permit erection and operation of a theatre, seating capacity 800, Loehmann's Plaza Shopping Center, Providence District, (C-D) was deferred to October 29 as the plats presented by Mr. Pischke, attorney for the applicant, were not satisfactory.

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GRAHAM VIRGINIA QUARRIES - Mr. Vernon Long, Zoning Inspector, stated that he has inspected the quarry for the past two years on a monthly basis and a written report

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GRAHAM VIRGINIA QUARRIES - Ctd.

has been submitted to the Town of Occoquan each time. Each time the operation has been found to be operating in a satisfactory manner. There have been no complaints to the Zoning Office and no complaints from any of the residents in Occoquan. There has never been a reply to any of the Inspections reports. This seems to be a smooth running operation and he has found no violations.

Mr. Barnes moved that the permit of Graham Virginia Quarries be extended for a period of three years with the understanding that if additional pollution controls are adopted by Federal, State or County authorities, that the most stringent controls be enforced within a reasonable amount of time, meaning 90 days. Seconded, Mr. Yeatman. Carried unanimously.

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JEAN KELLEY AND ERNEST D. HAYNES - The Board considered a request from Mr. Haynes regarding dedication of 40 ft. from the center of the road, asking that this requirement be waived for the temporary operation. He did not understood what the Board meant at the hearing.

Mr. Baker moved that the dedication requirement be held in abeyance for a period of one year and that the Board of Zoning Appeals review the use permit at the end of one year. Seconded, Mr. Yeatman. Carried unanimously.

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The Board considered the request of Grace Presbyterian Church to open their doors and their homes to international students studying within their universities and colleges. They would accept 20-25 students in Springfield for the period of December 18 through January 2.

The Board agreed to a trial period from December 18 through January 2, 1969 upon approval of the Fairfax County Health Department, for 20-25 students.

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The Board discussed a letter from Doris E. Wilson in reference to establishing a furniture dry cleaning business in Annandale in C-D zoning.

The Board will discuss this again on November 12 for more information regarding the size of the machine, what happens after the varnish has been removed, what happens when the furniture comes out of the machine, and for literature on the entire operation -- type of machinery, etc.

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The Board restated its policy on tool sheds in carports which extend into the minimum side yard -- tool shed shall be no larger than 4'x 8'.

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The Board accepted an invitation from the Planning Commission to meet with them for dinner at the Mosby on November 26 at 7 p.m. or on a December date.

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The meeting adjourned at 4:40 P.M.
By Betty Haines

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

January 23, 1969
Date

A special meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 29, 1968 in the Board Room of the Fairfax County Courthouse. Messrs. Smith, Baker and Yeatman were present. Mrs. Henderson and Mr. Barnes were absent.

Mr. Smith, presiding in the absence of the Chairman, opened the meeting with a prayer.

The Board discussed a copy of the minutes of the Board of Supervisors regarding discussion which took place on Board of Zoning Appeals hearings where applicants had waited for hours, only to find the case dismissed. Perhaps this situation could be alleviated by taking action first thing on any requests for deferral known to the Board, Mr. Smith suggested.

Mr. Yeatman moved that the application of Thomas W. Newton scheduled for 2:40 be deferred to November 26 at the request of Mr. Richards, the attorney in this matter. Seconded, Mr. Baker. Carried unanimously.

Mr. Yeatman moved that the application of John N. Beall, Jr., (Cities Service Oil Company) be deferred to November 26 at the request of the applicant, for proper notification. Seconded, Mr. Baker. Carried unanimously.

These deferrals were noted and posted outside the Board Room door.

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MARY GOEPFERT, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's office in dwelling (non-resident), 7237 Lee Hwy., Lot 158, Sec. I, Greenway Downs, Providence District, (R-10), Map 50-2 ((4)) 158, S-969-68

Mrs. Goepfert stated that she is a psychiatrist and would like to have her office in this dwelling. She would use the living room, breakfast room and half-bath for the office and the rest of the house would be used only for storage purposes and sleeping quarters for herself or guests on occasion. No one would live in the house. Parking would be provided for three cars and only one person would be seen at a time.

How near is the closest commercial zoning to this property, Mr. Yeatman asked?

Mr. Knowlton replied that the closest commercial zone is about one block to the east.

Mr. Smith noted that the Board had not received a report from the Health Department or Inspections Division.

Mrs. Goepfert was distressed that these inspections had not been made prior to the hearing as she had filed her application in plenty of time.

Mr. Yeatman pointed out that the parking shown on the plat does not meet the setback requirements of the Ordinance.

The lot is only 50 ft. wide, Mrs. Goepfert said, and before her fee was accepted in the Zoning Office, this question was cleared with Mr. Woodson and he ruled that the 25 ft. setback mentioned in the Ordinance did not apply in this case.

Mr. Knowlton reviewed the two specific setbacks stated in the Code -- directly under "office for the general practice of medicine" it reads "off-street parking spaces shall be sufficient to provide for physicians, employees and the number of visitors likely to visit the office at any one time. The off-street parking area shall be located other than in the required front yard and shielded from view from the first story window levels of adjoining property." Further down in the Code, "Specific requirements for all Group VI uses", says that "No automobile parking space shall be located in any required setback area orwithin a distance of 25 ft. from any property line."

Mrs. Goepfert insisted that this had been cleared before the Zoning Office accepted the application, that this particular amendment regarding her application was put in the Ordinance later and that the specific requirements for Group VI should have been placed above the amendment and would not apply.

The applicant will have to meet the requirements on parking 25 ft. from a residential area, Mr. Smith said, but with a 50 ft. lot the applicant would have to request a variance on parking.

Mrs. Bailey told the Board that this was checked with Mr. Woodson and he had ruled that the applicant was not required to meet the 25 ft. parking setback.

Opposition: Mr. Charles Reeves, Treasurer of the Greenway Downs Citizens Association and adjacent property owner, stated that the citizens in the community would welcome

MARY GOEPFERT - Ctd.

the doctor but they are concerned about parking. Mr. Reeves said that he personally felt if the application were granted it would have a detrimental effect on his property which is in the rear of the applicant's and is lower, so all of the drainage from the doctor's parking lot would run over on his property.

Mr. Woodson came into the meeting and told the Board that he was not sure that the specific requirements for group VI referred to this application. The specific requirements have always been in the Ordinance and this amendment was added afterward.

The parking spaces proposed by the applicant do not meet County requirements regarding access for each space, Mr. Knowlton stated, and if the application is granted, the Board should set the number of parking spaces counting only the ones that a car can get in and out of.

Mrs. Goepfert stated that she would park her car in the third space next to the house and she would not need to get her car out while her patients were there. As far as the parking lot goes, she could live in the house and have her office there by right and would still have to provide parking on the property which would have the same effect on Mr. Reeves' lot.

In the application of Mary Goepfert, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's office in dwelling, (non-resident), 7237 Lee Highway, Lot 158, Section 1, Greenway Downs, Providence District, Mr. Yeatman moved that the application be approved with the following stipulations: that four parking spaces be provided as required by the Ordinance and that standard screening be provided as required. All other requirements of the Building Code and Zoning Ordinance pertaining to this application shall be met -- Plumbing, Electrical, etc. Parking in the rear shall not be closer to property lines than 25 ft. Seconded, Mr. Baker, and carried unanimously.

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KENYON L. EDWARDS COMPANY, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, 8001 Oak St., Providence District, (RE-1), Map No. 39- 4 ((1)) 105A, V-973-68

Mr. Gotholm represented the applicant. The applicant contemplates dividing 2.015 acres of land into two lots and building two homes, he said. The only problem is on the frontage -- there is 200 ft. of frontage and the ordinance requires 125 ft. for each lot. They propose to have a 100 ft. frontage on each lot. Sewer and water are available and this would not be detrimental to the area. Each house would be 46 ft. long.

The applicant should make certain that each house has a carport or garage or leave room for one to be built later on, Mr. Yeatman warned, because the Board will not grant any more variances on this property. Each of these lots meets the requirement for square footage in this zone and the frontage seems to be the only problem, he said.

No opposition.

In the application of Kenyon L. Edwards Company, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, 8001 Oak Street, Providence District, Mr. Yeatman moved that the application be approved as applied for and that the houses placed on these lots meet all setback requirements of the Ordinance (including carports and garages or leaving room for them) as no other variances will be granted on these lots. Seconded, Mr. Baker. Carried unanimously.

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CLAUDE M. BRIGGS, application under Section 30-6.6 of the Ordinance, to permit private swimming pool to remain 34.3 ft. of street property line, 1711 Baldwin Drive, Lot 32, Sec. 5, West Lewinsville Heights, Dranesville District, (R-12.5), Map No. 30-3 ((15)) 32, V-972-68

Mr. Briggs stated that he got a permit to erect the above ground pool and was in the process of constructing it when the Inspector gave him a notice of violation. The pool is 12 ft. in radius and 48 inches in height. He was not aware of the 40 ft. requirement from the street and located the pool 34.3 ft. He installed it himself and it is not quite complete. There is only 12.1 ft. now between the pool and the side property line so he could not move it that way.

No one was present in opposition but Mr. Smith noted a petition signed by several neighbors across the street opposing the location of the pool.

In the application of Claude M. Briggs, application under Section 30-6.6 of the Ordinance, to allow private swimming pool to remain 34.3 ft. of street property line, 1711 Baldwin Drive, Lot 32, Section 5, West Lewinsville Heights, Dranesville District, Mr. Yeatman moved that the application be granted with the stipulation that the owner put up a 4 ft. basketweave fence which will cover the view of this pool from property owners across the street and on the side. Fence shall be installed before the pool is in use. All other provisions applicable to this application shall be met. Seconded, Mr. Baker. Carried unanimously.

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BOULEVARD ASSOCIATES, A LIMITED PARTNERSHIP, application under Section 30-7.3.10.3.4 of the Ordinance, to permit erection and operation of theatre, seating capacity 800, Loehmann's Plaza Shopping Center, Providence District, (C-D), Map No. 50-3, S-977-68 (deferred from Oct. 22)

The Board reviewed new plats submitted by the applicant's representative showing a 900 seat theatre and a furniture store.

Mr. Yeatman moved that the application be deferred to November 26 to clear up the matter of seating capacity, to find out exactly what is going on the entire parcel of land, how many parking spaces are to be provided, and defer for additional information and decision only. Public hearing is completed. The plats show 900 seating capacity, the application is for 800, and the site plan shows 800. Seconded, Mr. Baker. Carried unanimously.

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FRANK J. CAPPELLO, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 10 ft. from side property line, 5001 Montgomery Street, Lot 60, Braddock Hills, Annandale District, (RE 0.5), Map No. 71-4 ((10)) 60, V-980-68

Mr. Cappello stated that he bought the property two years ago and was not aware of the flood plain problems until he inquired about building a house on the land. This will be his private residence and will be located approximately 60 ft. from the house on Lot 61. They will connect to water and sewer. The house will be 44'x30' with a single car garage.

This house will set 108 ft. back and most of the houses are 90 ft. back, Mr. Yeatman said. This is a good use of the land considering all the problems connected with it.

No opposition.

In the application of Frank J. Cappello, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 10 ft. from side property line, 5001 Montgomery Street, Lot 60, Braddock Hills, Annandale District, Mr. Yeatman moved that the application be granted because of the topography of the land and the flood plain restriction line as indicated on the plats submitted. All other provisions of the Ordinance shall be met and no other variances will be granted on this property. Seconded, Mr. Baker. Carried unanimously.

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HANS-PETER KLOSE, application under Section 30-6.6 of the Ordinance, to permit erection of garage 15 ft. from Campbell Road, Lot 18, Carter's Grove, 9326 Campbell Road, Centreville District, (RE-1), Map No. 28-2 ((2)) 18, V-978-68

Mr. Klose stated that the existing Campbell Road was established in 1954 and is still the same as it was then, a dead-end circle. The property is very hilly and steep and this is the only feasible location for the garage. The neighbors do not object. He has designed three of the houses in Carter's Grove and built two of them. The proposed garage would be Bavarian style to blend with his house and the others which he designed.

Campbell Road is a dedicated road, Mr. Knowlton reported, but it has not been built and there are no plans for widening it.

No opposition.

In the application of Hans-Peter Klose, application under Section 30-6.6 of the Ordinance, to permit erection of garage 15 ft. from Campbell Road, Lot 18, Carter's Grove, 9326 Campbell Road, Centreville District, Mr. Yeatman moved that the application be approved due to the topography and shape of the lot. All other provisions of the Ordinance pertaining to this application shall be met. No further variances shall be granted on this lot. Seconded, Mr. Baker. Carried unanimously.

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DAVID ROBERTS, application under Section 30-6.6 of the Ordinance, to permit erection of addition closer to side property line, Lot 279, Section 3, Westlawn, 3109 Wayne Road, Mason District, (R-10), Map No. 50-4 ((17)) 279, V-979-68

Mr. Roberts explained that he wished to construct an addition between his garage and house, making this all one unit. Once the garage is attached it will be too close to Lot 278 and that is why he asked for the variance. He bought the property four years ago but the house is more than thirteen years old. The addition would contain a dining room and family room as these houses are small and there are no basements. He has three children and needs additional space. Only one corner of the proposed addition would be too close to the property line.

Mr. Smith objected to a double variance request and felt that the addition should be made to conform to the 10 ft. setback and the Board could grant a variance from the rear setback.

No opposition.

Mr. Yeatman moved to defer to November 26 for a full Board and for the members to view the property. Seconded, Mr. Baker. Carried unanimously.

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GERTRUDE W. LEVY, application under Section 30-6.6 of the Ordinance, to permit erection of one story building on rear property line, part Lots 57, 58, 59 and vacated Martin Avenue, Annandale Subdivision, Annandale District, (C-D), Map No. 71-1 ((4)) part 57, 58, 59, V-981-68

Mr. Peyton Klopfenstein represented the applicant.

Was there a variance granted on this property before, Mr. Yeatman asked?

The variance was granted but the tenant who was supposed to locate there would not go along with the variance that the Board granted, Mr. Klopfenstein replied. This time Sherwin-Williams Paint Company wishes to locate on the property. Powers Cleaners is already 39 ft. from the street right of way instead of the required 50 ft.

This is due to road widening, Mr. Smith stated. It did conform until the road was widened.

Mr. Klopfenstein stated that it would be esthetically much better to locate the building as proposed because the loading areas of this building would be facing the loading areas of the buildings on adjoining lots. Fronting the building toward Annandale Road would not be esthetically pleasing to the attractive office building owned by Mr. Castner directly behind this property. Martin Avenue has been vacated, water lines have been pulled up, etc. Entrance to this property will be from Annandale Road. The trailers parked on the property now would be moved over onto other property owned by the applicant. This will be a definite improvement to the area. The Sherwin-Williams Company will have a ten year lease with a five year option.

Mr. Smith questioned the number of parking spaces shown for the building.

There are 17 parking spaces required and the applicant is providing 19, Mr. Klopfenstein said. This is a 4,000 sq. ft. building but 1,000 ft. of it will be used for storage or warehousing.

The building shown on the plats is 50'x100', Mr. Knowlton said, and this comes out to 5,000 sq. ft. Parking requirements are based on the entire building; there are no exceptions for any portion of the building which might be used for something else. If the 1,000 sq. ft. which Mr. Klopfenstein spoke of is considered warehouse space it would not be allowed in this zone anyway.

This would require 29 parking spaces, Mr. Smith said.

As drawn on the plats, it is impossible for the staff to give a report as to what problems might arise, Mr. Knowlton continued. There is a requirement of a travel lane which may do great damage to the parking and without definite figures on floor area he could not do the necessary calculations to tell whether this size building could or could not be placed on the land.

There is no topographic situation here, Mr. Smith pointed out, and the applicant has additional land which could be utilized. Before making any decision the Board should look at a preliminary site plan showing the exact size of the building to be constructed, the uses to be made of it, the number of parking spaces, and where the trailers will be parked.

Daisy F. Anderson, owner of Lot 54, introduced Mr. and Mrs. Huff, owners of Lot 55. They were not in opposition, she stated, but would like to review the detrimental factors of the variance which might affect the value of their properties. They would not oppose it providing Streets and Drainage would warrant that construction of this proposed building would not increase the drainage problems which already exist in the area and they would like the same courtesies extended to them later on if they develop their property.

Mr. Huff stated that the water problem was greatly increased with construction of the Castner building and water now stands for three or four days twelve inches deep. There is no storm drainage facility in the area.

One person cannot be expected to provide drainage for the entire area, Mr. Knowlton explained, but each person is required to do certain things working toward the development of a plan for the entire area. Public Works is aware of these problems.

Most of the water goes through the applicant's property where she proposes to place the building, Mr. Klopfenstein told the Board, and if the application is granted, she will have to meet the County requirements on drainage. This would alleviate some of the problems that exist.

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GERTRUDE W. LEVY - Ctd.

Mr. Yeatman moved to defer to November 26 for full Board and for additional information regarding the entrance to the property, the parking spaces for the building, and details on how they propose to alleviate the water problem in the area. The applicant should also see if a travel lane would be required as if she cannot get waiver of the travel lane, many parking spaces would be eliminated. Seconded, Mr. Baker. Carried unanimously.

Mr. Klopfenstein added that he is leasing the property from Mrs. Levy, she will construct the building, and Sherwin-Williams will be leasing from him.

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DANIEL C. ESCALERA, application under Section 30-6.6 of the Ordinance, to permit erection of carport 33.9 ft. from street property line, 8315 Winder Street, Lot 396, Section 2, Stonewall Manor, Centreville District, (R-12.5), Map No. 49-1 ((11)) 396, V-982-68

Major Escalera described his plans for erecting an 18 ft. carport encroaching upon Winder Street which is only one block long and has a cul-de-sac at the end of it. It will never be extended because homes are built at the end of it. This carport will not create a traffic hazard and visibility will not be impaired. It will be 11 ft. higher than the street. Only one corner of the carport will protrude into the setback and that is where one supporting post will be.

Mr. Smith stated that a carport could be built without a variance.

Major Escalera felt that an 18 ft. carport was a reasonable request; it is not a maximum request, he would rather have a 20 ft. carport but did not ask for it; neighbors are not opposed, and there are steps coming out of the kitchen which are 3 ft. wide at the front of the proposed carport.

Mr. Smith and Mr. Yeatman reviewed the criteria in the Ordinance restricting the Board in granting variances as Major Escalera did not understand why the Board was reluctant to granting his request.

Many people in the County have 10 ft. carports and the Board usually sticks to a 12 ft. carport in granting any variance, Mr. Smith pointed out, however, Major Escalera did not think that people should have to live by minimum reliefs as this is no longer the way of life. The carport would enhance the area, upgrade the value of his property and make the community a better place to live. This is the only good location for a carport and he felt the Board was justified in granting his request.

No opposition.

In the application of Daniel C. Escalera, application under Section 30-6.6 of the Ordinance, to permit erection of carport 33.9 ft. from street property line, 8315 Winder Street, Lot 396, Section 2, Stonewall Manor, Centreville District, Mr. Yeatman moved that the application be approved for a 15 ft. carport, making it 36.9 ft. from the street property line. All other provisions of the Ordinance shall be met. This is granted due to the topography of the land and because of the steps jutting out into the area. The 5 ft. storage area shown on the plat would have to be reduced to 4 ft. in accordance with policy of the Board. Seconded, Mr. Baker. Carried 3-0.

Major Escalera asked what he would have to do to have the 18 ft. carport requested by him. Mr. Smith advised that the applicant could go to court if he felt that the Board had been unfair in their decision.

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Mr. Smith announced that there would be a joint meeting of the Planning Commission and Board of Zoning Appeals (a dinner meeting) on November 26 at 7 p.m. at the Mosby.

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HARRY L. BURKA & ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to the rear property line, Lot A, John B. O'Shaughnessy Estate, on Seminary Road, (C-G), Map 61-2 ((1)) part 99, V-937-68 (deferred from Sept. 24)

Guy Farley represented the applicants and presented new plats. The plats do not show sixteen parking spaces located on the existing repair property on the Seminary Road side, he said. There will be a total of 45 spaces. Mr. Gill, the same person who operates the Volkswagen repair place will operate the proposed body shop in connection with his existing business. The entire lot contains about 6,000 sq. ft. and the proposed building would cover about half of it. The objection from Crossroads Rambler might be alleviated by construction of the building because the cars then would be under cover instead of parked all over the place. They have a problem with providing a traffic lane also as there is not enough room for the 22 ft. lane as the staff suggests. There might be room for a single lane used only for taking cars to and from the mechanical and body repair shops.

Is there any provision in the Ordinance for allowing parking spaces to be of small sizes to accommodate Volkswagens, Mr. Smith asked Mr. Knowlton?

Mr. Knowlton stated that parking is based on normal size cars. In connection with site plan, it would also be a requirement of the developer to widen Seminary Road to the required width.

If the travel lane is required by the Staff this would eliminate many parking spaces, Mr. Smith said, and the Board cannot make a decision until they have all the answers.

Mr. Perry represented Crossroads Rambler in opposition. There is body work being done on the property now, he said, and a number of cars parked next to the fence. The parking there now is inadequate for the complex of uses that are located there and if this variance is granted it will make a bad situation worse.

The pictures presented by Mr. Perry show an unsightly condition, Mr. Farley agreed, but with the cars inside the building it would improve the appearance of the area. Some of the cars on the property now belong to Market Tire Company.

Mr. Baker moved to defer the application to November 26 for new plats showing the number of normal size parking spaces on Lots C and A in connection with the proposed expansion of Gill's Volkswagen and to check into the roadway situation providing access from one location to the other. Seconded, Mr. Yeatman. Carried unanimously.

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ROBERT N. BOLSTER,,application under Section 30-6.6 of the Ordinance, to allow observatory to remain 27.4 ft. from street property line, 6007 Ridgeview Drive, Lot 20, Block C, Ridgeview, Lee District, (R-12.5), Map No. 82-3 ((10)) (c) 20, V-730-67 (granted by BZA Nov. 21, 1967 with review by the Board October 1968)

Mr. Bolster stated that there had not been much change since the last hearing -- he has planted one more tree. Neighbors have used the observatory occasionally and one group of youngsters was there.

Mr. Woodson reported that his office had received no complaints.

Mr. Jerome Hudson spoke in favor of the application emphasizing the importance of the astronomical activities which go on in this observatory.

No opposition.

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, 6007 Ridgeview Drive, Lot 20, Block C, Ridgeview, Lee District, Mr. Baker moved that the permit be extended to run for the duration of Mr. Bolster's residency at this address. Granted to Mr. Bolster only, non-transferable. Seconded, Mr. Yeatman. Carried unanimously.

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BENNY SMALL, application under Section 30-6.6 of the Ordinance, to permit sun deck to remain 6 ft. from side property line, 3301 Rose Lane, Lot 1, Karen Knolls, Mason District, (RE 0.5), Map No. 60-2 ((36)) 1, V-946-68 (deferred from Sept. 24)

The contractor built the deck while he was on vacation, Mr. Small stated, and he did not know that it was in violation. The contractor told him he would take care of all necessary permits and he trusted him to do that. The builder was Bill Warren from Maryland and he has been unable to contact him even though he still owes $350 on the sun deck construction.

Mr. Woodson checked and found that the builder was not licensed and bonded in the County.

Since this was built without a permit, Mr. Yeatman felt the structure should be required to meet the setback requirements. Part of it might have to be removed.

Perhaps the building inspector should check the construction of it, Mr. Smith suggested, and if it does not meet County requirements the whole thing might have to be removed.

The Board deferred the application to November 26 for a report from the Building Inspector's office. Meanwhile if Mr. Small gets any more information on the builder he should contact the Board and have the builder come in to explain just what happened.

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The applicant in the case of VICTOR PERRY was not present. The Board will notify him that if he is not present on November 26 the application will be dismissed due to lack of interest.

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While waiting for time to call the next scheduled case, the Board recognized receipt of a list of requirements handed to them by Mr. Pammell during the meeting and requested that copies be sent to Mrs. Henderson and Mr. Barnes. This can be discussed at the next meeting if a full Board is present.

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VIRGINIA DYNAMICS requested an extension of their permit which had already expired. In keeping with adopted Board policy, the applicant was informed that a new application would have to be filed.

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The Board adjourned for twenty minutes while waiting for time to call the next scheduled case.

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PHILIP B. FAGELSON, MURRAY GOLDBERG AND MORTON BLUM, application under Section 30-7.2.10.4.1 and 30-6.6 of the Ordinance, to permit erection and operation of motel 50 ft. from right of way of Interstate Route 495, corner of Elmwood and East Drive, Lee District, (CDM), Map No. 83-1 ((1)) 2, 4, S-957-68 (deferred from Oct. 8)

Mr. Fagelson was not present. The application was held in abeyance until after the next scheduled item.

ROY F. DEHAVEN, application under Section 30-6.6 of the Ordinance, to permit erection of garage 4.1 ft. from side property line, Lot 8, Section 2, Marlboro Estates, 7005 Poppy Drive, Dranesville District, (R-12.5), Map No. 40-2 ((25)) 8, V-960-68 (deferred from Oct. 8)

In the application of Roy F. DeHaven, application under Section 30-6.6 of the Ordinance to permit erection of garage 4.1 ft. from side property line, Lot 8, Section 2, Marlboro Estates, 7005 Poppy Drive, Dranesville District, Mr.Yeatman moved that the application be approved as he had viewed the property and there is no alternate location on the property for a garage or carport. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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Mr. George Korte was present to get more information about the Fagelson application. He said that he was not notified of the first hearing but had been notified of the second hearing. He is an adjoining property owner and is a bit confused, he said.

Mr. Fagelson arrived and apologized for being late. He presented Mr. Korte with a copy of the agreement between the applicants and the neighbors. The whole property was rezoned for this use, he said, and if the permit is granted they would ask that it be subject to the condition that no parking be along Mr. Korte's property and that will also be subject to standard County screening.

The plats show 193 parking spaces, Mr. Smith said, which is a minimum requirement for the number of units proposed. There is a note that 28 of the spaces are located in an area to be vacated -- what is the status of vacation, he asked?

They have received indications that the County feels that the area should be vacated. The street comes to a dead end right at the Beltway, Mr. Fagelson replied. This will be in two different buildings, but will all be one motel and one owner-operator.

Mr. Smith felt that the pool should be used by occupants of the motel only. What about the restaurant facility, he asked?

As far as he knew, Mr. Fagelson said, there are no plans for banquets or conventions but he supposed that this could be part of almost any motel operation.

Mr. Yeatman moved to defer to November 12 to get additional information on rearranging the parking and hopefully some information on the proposed vacation, or the application could be granted subject to vacation. Seconded, Mr. Baker, and carried unanimously.

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The meeting adjourned at 5:00 P.M.
By Betty Haines

Mr. Daniel Smith, Vice-Chairman

Date

Read by MKH - Jan. 23, 1969

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 12, 1968 at 10:00 a.m. in the Board Room of the County Court House. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

Mr. Knowlton presented the Board a letter recommending that Mrs. Betty Haines be officially appointed Clerk of the Board as the Board had not appointed a Clerk at their January 9 meeting.

This was an oversight, Mr. Smith stated, as the Board has long considered her Clerk.

Mr. Baker moved that Mrs. Betty Haines be appointed Clerk of the Board. Seconded, Mr. Smith. Carried unanimously.

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BOARD OF TRUSTEES, COLLEGE OF THE POTOMAC, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a four year liberal arts college, 1700 students, 12 month operation, located on west side of Route 28 at Folly Lick Run, Centreville District, (RE-1), Map No. 10-2 ((1)) pt. 1, S-983-68

Letter from Mr. Brault requested deferral for not longer than 90 days in order to work out a preliminary site plan.

Mr. Smith moved to defer the application for a period not to exceed 90 days. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed a service station being built in connection with a shopping center. Would the entire shopping center have to meet the setbacks of the gasoline station since it is all in one group?

The whole building would have to meet the setbacks for the gas station, Mr. Smith felt.

Mr. Knowlton advised that he would bring the site plan to the Board without scheduling it when it is submitted.

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KENNETH F. PARSONS, application under Section 30-6.6 of the Ordinance, to permit division of Lots 2 and 6 with less frontage than required, and dwellings on Lots 2 and 6 closer to property line than allowed by the Ordinance, located on Upland Drive, Lee District, (R-12.5), Map No. 82-1 ((4)) 19 & 20, V-970-68

Mr. Smith asked if Lots 3 and 7 are of adequate size for construction of a house.

Yes, they are bigger than the proposed lots, Mr. Jarrett replied. They are not a part of this development but they are owned by Mr. Parsons. He plans to build houses on them. Those lots cannot be split. There can only be two lots there and the proposed 20 ft. road would serve them. Behind these lots is a developed subdivision. They feel that the 20 ft. easement as shown on the plats will be sufficient access.

Mrs. Henderson asked if Mr. Parsons planned to construct garages or carports with these houses.

Mr. Jarrett replied that they did not, but there would be room for a garage in the back of the lot, entering from the easement, or they could put garages under the houses.

In view of the variances being sought, Mr. Smith stated, if the Board does grant these variances as to setback or side yards and since this becomes a corner lot in both cases, the Board should require that the driveway serving both Lots 3 and 7 be constructed in conformity with County standards for dustfree surface, including macadam.

No opposition.

In the application of Kenneth F. Parsons, application under Section 30-6.6 of the Ordinance, to permit division of Lots 2 and 6 with less frontage than required and dwellings on Lots 2 and 6 closer to property line than allowed by Ordinance, located on Upland Drive, Lee District, Mr. Smith moved that the application be approved with the following stipulations; that the 20 ft. road serving Lots 7 and 3 be asphalted and built in conformity with County Code for permanent dustfree surface; that the house be allowed to be constructed not closer than 35 ft. from the center line of the proposed outlet road or 25 ft. from the roadway itself, (this is on Lot 6), and on Lot 2 there is an 8 ft. variance on lot frontage. It has been established that there is no variance for lot frontage on Lot 6 but if it is necessary, a variance should be granted to allow a house

November 12, 1968

KENNETH F. PARSONS - Ctd.

to be constructed there in accordance with plats submitted with the application; that the road be constructed and in place prior to the development of Lot 6 and Lot 2. Seconded, Mr. Barnes. Carried 5-0.

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DAVID D. PHELPS, application under Section 30-6.6 of the Ordinance, to allow garage to remain 20.4 ft. from Timothy Place, Lot 29, Fort Lyon Heights, 2806 James Drive, Lee District, (R-10), Map No. 83-1 ((4)) 29, V-984-68

Mrs. Henderson read the following memo from William J. Barry, Zoning Inspector:

> "County Attorney Dave Feldman advised me to contact present owner and request that they apply to B.Z.A. for a variance on the two-car garage erected by Mr. Gilbert. This was based on the fact the present owners were not aware of the violation when they bought the property. Mr. Feldman said that with the lengthy background of this case and circumstances involved, that he felt the Board had no choice but to grant a variance."

Mr. Smith objected to the last sentence of Mr. Barry's memo; he said he did not agree with that under any circumstances. How can this Board grant a variance to one citizen when it has denied the same application for another?

Mr. Yeatman requested that the County Attorney appear before the Board to explain Mr. Barry's letter.

Mr. Phelps stated that he purchased the house from the Gilberts and was not aware of the problem so he finished the garage. He has a clear title from Lawyer's Title and his attorney was Mr. Fagelson.

Mr. Feldman stated that he did not make the statement referred to in Mr. Barry's letter. When this suit first came up he defended it in court and the decision of the Board of Zoning Appeals was upheld. The problem now is whether to leave it or file suit. He felt there was a problem of whether the court would grant a mandatory injunction requiring this to be removed under the new ownership. The Phelps' assumed the Gilberts' loan so there was no survey made for settlement. Mr. Feldman said he told Mr. Barry he would like to see this cleared up -- either he would file suit asking the court to tear this garage down or the Board of Zoning Appeals could grant a variance; he never meant to imply that the Board had to grant the variance. Mr. Gilbert has disappeared now and the FBI is looking for him at the present time. He would assume that the new owners would be liable on the same note and deed of trust.

As this was an assumption, Mr. Gilbert is still a part of it until the mortgage is paid off, Mr. Smith said, and he still has responsibility to this owner as far as any deficiencies are concerned.

He would be liable to a deficiency judgment in the event that the property is foreclosed on and does not bring the amount of the trust, Mr. Feldman pointed out. What would happen in the event the Board would deny the variance? Should they go to court and get an injunction requiring the structure to be removed? A warrant was obtained against Mr. Gilbert. He appeared the first time and the counsel asked for continuance. The second time counsel appeared and Mr. Gilbert did not. The FBI is looking for him now but he has disappeared.

The Board did not have the authority to grant a variance to the Gilberts, Mrs. Henderson explained as they did not obtain a building permit. If a building permit had been obtained they would not have made the mistake.

The phrase in pargraph 4 of the variance section might apply here, Mrs. Henderson said, although she certainly wished that Mr. Gilbert could be gotten and made responsible for this. This is a provision that a variance may be granted provided that the Board finds that such non-compliance was through no fault of the owner -- this was not Mr. Phelps' fault and this is one loophole possibly by which the Board may grant this.

The last hearing of the Board revealed that Mr. Gilbert had sold the property, Mr. Feldman pointed out, and he believed that they had gone to settlement prior to that; Mr. Gilbert stated that these people were fully aware of the violation and that in the event the Board denied the variance and the building had to be torn down, there would be a certain amount of money left in escrow to take care of this. He had investigated this, he said, and found that there was no money in escrow and counsel for the Phelps' stated that to his knowledge the new owners had no knowledge of the violation.

He did not know the Gilberts personally, Mr. Phelps explained. He purchased the house from Mr. Gilbert as a result of a newspaper advertisement.

Mr. Phelps said he took possession of the house in March 1967. His first notification of the violation was by registered letter in July 1967. Soon after that, he received notice of a tax increase on the new construction so he assumed that the violation had

taken care of.

Mr. Smith stated that he would like to see a disposition of some kind made of the warrant for Mr. Gilbert. The structure is in place and is not going to do any damage in the meantime. He would like to see a calendar of dates -- when Phelps took possession, court decision date, etc.

Is there a time limit on the court holding a case like this open, Mrs. Henderson asked?

The case is closed at the present time, Mr. Feldman replied, and he did not believe it could be reopened. There is no time limit with reference to mandatory injunctions. If they wait too long the court might say why didn't you get this in here earlier? He thought that time was of importance, but not of the essence, at this point. The Board hearing was in March 1967, over 1 1/2 years ago.

If this application is granted to Mr. Phelps, would the courts continue pursuit of Mr. Gilbert, Mrs. Henderson asked?

Mr. Feldman stated that the warrant is always outstanding. It seemed that Mr. Gilbert was charged with a felony and that is how the FBI got into this. If he is caught, he will be brought into court.

The Board should have all these dates in writing, Mr. Smith said, before considering reversal of a decision. He moved that the application be deferred to January 14 for a statement of dates -- date of possession, date of reassessment of tax increase, date he was notified of the violation, date he filed this application, and for a copy or date of contract with the Gilberts and complete record of settlement. Seconded, Mr. Yeatman. Carried unanimously.

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BOARD OF TRUSTEES, BREN MAR BAPTIST CHURCH, application under Section 30-6.6 of the Ordinance, to permit erection of church 18 ft. from rear property line, Lots 19 and 20, Blk. J, Section 2, Bren Mar Park, 5428 Enid Place, Lee District, (R-10), Map No. 81-1 (j) 19 and 20, V-985-68

Mr. Kamster, architect, stated that two buildings already exist on the property and they have been asked to design a meeting hall for the church to be occupied by 50 or 75 people, between these two buildings, with a 15 car off-street parking lot in conjunction with this. They have been trying to get their church started in this area and are meeting in the elementary school at this time. They have discussed the proposed variance with Mr. Wooldridge of the School Board and they have no objections to the request. They have also discussed it with the neighbors with the feeling that they want to be a community asset. They will screen the parking lot and make the building compatible with other structures on the site. This building could be used as a meeting place by all in the community. They have had great difficulty finding property within this area. The building will be designed as a portable building which could be moved to another location at a future date as the church continues to grow. Only the left rear corner of this building will need a variance.

Rev. LeGates told the Board that this building would be used for social activities, Church services and Sunday school. They would be glad to make it available for use by the community. Their mission has been in operation for ten years. They rented the school so that they would have adequate space for their services. Franconia Baptist Church started the mission as an arm of the church and today they are sponsored by the State Baptists and Association of Baptist people and have found that their growth has not been what they expected simply because they have been delayed in finding their own land and having their own suitable location and church building. The two buildings now on the property are owned by the Church. He lives in one of them and the other one is rented. They have been looking constantly for land for three years and have not been able to find another location. They would be glad to work out a parking arrangement with the School Board as they are aware of the problems connected with their parking.

Mr. Kamster added that the proposed building would be roughly 24' wide by 60' long and it will not have a cheap look. The 15 car parking lot could be used by the older church members and the younger people could walk over from the School property. They have assured members of the community that they will cooperate with them in every way they can.

Mrs. Henderson noted a letter from Mrs. Guthrie in opposition to erection of a church building if the appearance is not an asset to adjacent properties.

Mr. Robert Brown representing the Citizens Association stated that they were concerned about the parking situation and the traffic situation. He discussed the access from the parking lot of the school to the church, the particularly steep terrain, and questioned the size of the building.

A lady in the audience referred to a drainage problem on the property.

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BOARD OF TRUSTEES, BREN MAR BAPTIST CHURCH - Ctd.

Mrs. Gay Bradshaw presenting an opposing petition, objecting for the following reasons: the area is too small to handle these facilities; a church in this location would be detrimental to the single-family nature of the neighborhood; Enid Place is a dead-end street; the twelve children under age 7 would be endangered by the increased traffic; the parking lot would not be adequate to serve the cars coming to the church; drainage problems exist already and would be increased by this construction.

Mrs. Henderson noted a letter from Mr. Koher in opposition for the same reasons as stated by the petition.

Arlene Hume stated that this was the wrong place for a church and the wrong time -- it should have had land set aside for it when the community was established. They hoped the church would get other land where there would be room for them to grow.

Captain Ripley referred to the hill from the parking lot of the school to the church which would be totally unnegotiable in winter weather.

Mr. William Dowdy, attorney in Springfield, appeared as an aggrieved citizen. He urged the Board to view the property before making a decision which would add more traffic to an already congested area.

Mr. Smith pointed out that the church building could go there by right; the only reason it is before this Board is that they are seeking a 7 ft. variance in order to facilitate rearrangement of the building on the property. They are asking to locate closer to the school property and move the building farther away from the residential area -- there are no other factors involved. The parking will be located farther away from the residential area and screening will be provided. The traffic pattern will not be in conflict with the normal traffic pattern. Parking will not be allowed on the street. They must limit the number of people in the church because they can only have 15 cars parked on the property.

Eight people were present in opposition.

Could the building be moved back 7 ft. and not need a variance, Mrs. Henderson asked?

Mr. Kamster replied that it was possible but they feel that this plan is best.

Lt. Col. Boyer stated that he and his young daughter walk up and down the hill frequently and there are many members who would walk to the church.

In the application of Board of Trustees, Bren Mar Baptist Church, application under Section 30-6.6 of the Ordinance, to permit erection of church 18 ft. from rear property line, Lots 19 and 20, Block J, Section 2, Bren Mar Park, 5428 Enid Place, Lee District, Mr. Smith moved that the application be approved as applied for with the following stipulations: that all uses connected with this proposed new building have parking provided on the property or on adjacent areas for all uses associated with this proposed building; that the application be granted based on the testimony by the architect and minister of the church regarding need by the community and the fact that the church has been meeting in the school in the area, and has had difficulty in obtaining additional land in the area. The plan is to eventually purchase additional land for church development and they would erect a temporary structure that could be removed from this property in the future if necessary. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she felt this was more of a personal desire; it has been stated that the building could be built without a variance.

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SUN OIL CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, on westerly side of Route 123, approximately 100 ft. from intersection of Rt. 123 and Miller Rd., Centreville District, (C-N), Map No. 47-2 ((1)) 30 and 30A, S-986-68

Mr. Hansbarger represented the applicant. This property contains 60,000 sq. ft., he said, and they are not requesting any variances. There is an old house on the property now which will be removed. This will be a three bay Sunoco Station. The sign will be on Route 123 and will meet the County requirements.

No opposition.

Mr. Smith asked if the light poles would be as shown in the picture.

Yes, Mr. Hansbarger replied.

Mr. Knowlton reported that the State plans are almost complete and they show road widening on this property, and not quite parallel to the property.

They will dedicate for road widening, Mr. Hansbarger said.

SUN OIL COMPANY - Ctd.

In the application of Sun Oil Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, on westerly side of Route 123, approximately 100 ft. from intersection of Route 123 and Miller Road, Centreville District, Mr. Smith moved that the application be approved as applied for in conformity with the plats and the following stipulations: that this be a three bay Colonial type service station as shown on the rendering presented to the Board; that there be not more than one sign advertising the product on the location, not more than 24 sq. ft.and 20 ft. in height. All lighting on the premises shall be so directed that it will not overflow on to adjacent properties, lighting poles to be not more than 15 ft. in height. Upon site plan approval the applicant shall conform to the following -- widening of Route 123 to comply with proposed V.D.H. plans, Project No. 0123-029-108, PE101. In addition to widening a 20 ft. grass median and 26 ft. service drive with standard sidewalk will be required. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr.Barnes. Carried unanimously.

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The application of SHOUSE VILLAGE COMMUNITY CENTER, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of a community center including swimming pool and tennis courts, on relocated Towlston Road, Centreville District, (RE 0.5 cluster) was deferred to December 3 for proper notification.

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DEAN K. GOOD, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 13 ft. from rear property line, and 12 ft. from side property line, 6352 Cavalier Corridor, Lot 547, Section 5, Lake Barcroft Shores, (R-17), Map No. 61-1 ((11)) 547, V-988-68

Mr. Smith asked about the staff study on the subject of swimming pools closer to property lines.

There is no study going on now by the Staff, Mr. Knowlton informed, and no discussion of it in the past, but the picture he got from the Staff was that they had not planned to make such a study, however, they would be willing to if the Board would so direct them.

Mr. Good stated that the only location he had for a pool was in his back yard where it would be closer to the rear and side lines than required. Much of his back yard is taken up by a storm drainage easement. The pool is proposed to parallel the two sides of the house where one corner would be 12 ft. of the side line and 13 ft. from the rear line.

The Board has deferred a similar case now, Mr. Smith noted.

Mrs. Henderson said she realized the great desirability of having a pool but could not consider that a pool is an absolute necessity and warrants a variance if there is not enough room to put it in and meet the setbacks. The Board has never granted a variance for a pool and it may be that one should be required, but until the Ordinance is changed, she did not think the Board was justified in granting a variance.

Mr. Knowlton stated that with modern homes and swimming pools being what they are, he felt that the requirement of 12 ft. between the rear of the house and the pool was unrealistic. Pools can very well be a part of the house. Also, the Staff knows that in R-10 districts, a swimming pool would not fit on the lots. It is true that they are not infringing upon "light, air or ventilation" because there is nothing above ground to cut it off. But, this is putting a noise factor, lighting, etc. awfully close to another person's property and it was the Staff's feeling that this should not be changed.

Where would the water be emptied from this pool, Mr. Yeatman asked?

It is passed on by the Streets and Drainage Division, Mr. Good replied, and it would go down a natural drainage area. It would not go on the next door neighbor's property.

No opposition.

Denying this application would not be denying the individual of a reasonable use of his property, Mrs. Henderson said. However desirable a pool might be, it is not a necessity.

Under today's way of life a pool is more essential than a carport, for example, Mr. Smith said. It is generally associated with general health and welfare of the occupants. This should be deferred along with the other application deferred by the Board until there is opportunity to discuss this with Mauck to see if in his knowledge of zoning and swimming pools in general throughout the country if the County restrictions associated with this area unduly restrictive.

Mrs. Henderson suggested the possibility of changing the angle of the pool, making it parallel to the street and lot line instead of in line with the house.

DEAN K. GOOD - Ctd.

Mr. Smith moved to defer to January 14 and if the applicant can work out a more feasible arrangement during this time he could notify the Zoning Administrator and the case could be removed from the agenda. Seconded, Mr. Yeatman. Carried unanimously.

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ANTON SCHEFER, application under Section 30-7.2.6.1.3of the Ordinance, to permit operation of a school, maximum 27 pupils in Lewinsville Presbyterian Church, ages 7-14 years, hours of operation 9 a.m. to 2 p.m., 5 days a week, 1724 Chain Bridge Road, Dranesville District, (R-12.5), Map No. 30-3 ((1)) 61, S-965-68 (deferred from October 22)

Schefer School was started thirteen years ago in the City of Falls Church, Mr. Schefer explained. It is a tutorial school for children who are behind academically and they can return to public school after remedial training. There was a use permit previously in this church for a kindergarten and nursery and the Schefer School was started this fall with the assumption that they could use the same permit. Later on they found that it did not cover their operation and they applied for a use permit. There is no lease on the property but the church will allow them to use it for the school. They provide contributions toward the upkeep and maintenance of the church. They will use the church playground area and they use three rooms for the 27 students. School hours are from 9 a.m. to 2 p.m. and some of the children stay until 4 p.m. for supervised homework sessions.

Mr. Smith noted the Staff recommendation that the entrance onto Great Falls Road not be used.

No opposition.

In the application of Anton Schefer, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school, Mr. Smith moved that the application be granted for maximum of 27 pupils in Lewinsville Presbyterian Church, ages 7-14 years, 12 months a year, hours of operation 9 a.m. to 4 p.m., five days a week, 1724 Chain Bridge Rd., Dranesville District, with the following conditions: that the applicant refrain from using the entrance on Great Falls Road. Entrance to this use shall be restricted to the rear entrance from Chain Bridge Road as outlined and indicated to the applicant. All other provisions of the Ordinance pertaining to this application, including Inspections, shall be met. Seconded, Mr. Barnes. Carried 5-0.

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PHILIP B. FAGELSON, MURRAY GOLDBERG & MORTON BLUM, application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of a motel 50 ft. from right of way line of Interstate Rt. 495, corner of Elmwood Drive and East Drive, Lee District, (CDM), Map No. 83-1 ((1)) 2, 4, S-957-68 (deferred from October 29)

This property was rezoned specifically for a motel on March 27, 1968, Mr. Fagelson stated. They are asking for 193 units and this will not include a restaurant or banquet facilities. There will be 193 units and 193 parking spaces, excluding the vacation.

Mr.Smith felt there should be at least 10 parking spaces for the motel staff.

How long is the vacation of the road going to take, Mrs. Henderson asked?

It can take months, Mr. Fagelson replied. They believe this belongs to the State of Virginia. The Planning Staff and Planning Commission have recommended that this be vacated.

Mr. Smith recalled the application for a motel in McLean which the Board did not approve because of the parking.

At the present time they do not have final plans for a user, Mr. Fagelson advised, and the most important thing to them was that they know they have a variance for this use. They have no objections to changing this to 183 units and perhaps later on they might come back for a restaurant. The people they are dealing with now would rather have units as they don't believe a restaurant is practical.

Because of this being the Beltway, they can park right up to the State Highway property line, Mr. Smith pointed out.

That is correct, Mr. Knowlton stated; there would be no setback on the parking there. The only place where 12 ft. is shown is in the screening section where screening has to be provided between this use and the residences.

The Kortes, owners of adjacent property, are in favor of this application, Mr. Fagelson said, but they want a fence provided. The applicant will provide whatever fence they desire.

Mr. Smith suggested granting the use permit and limiting it to 175 units at the present time for the two buildings and later on if they want to get more units, and provide more parking at a ratio of 1-1 providing there is no restaurant facility, plus 16 parking spaces for employees and laundry trucks, it would be a matter of having the Board adjust the number.

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PHILIP B. FAGELSON, MURRAY GOLDBERG & MORTON BLUM - Ctd.

It is possible that they might come back in the future for a restaurant, Mr. Fagelson added.

A restaurant changes the entire picture, Mr. Smith said, and in that case they would have to come back to the Board.

In the application of Philip B. Fagelson, Murray Goldberg & Morton Blum, application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of motel 50 ft. from right of way line of Interstate Route 495, corner of Elmwood Drive and East Drive, Lee District, Mr. Smith moved that the application be approved with the following conditions: that the applicants be granted a permit for 177 units to be in two separate buildings as outlined, and to provide 193 parking spaces for this use. In the event the applicant can furnish a ratio of 1-1 parking, that they be allowed a permit for 193 units, keeping 16 parking spaces for employees and service vehicles for the establishment; this use permit does not include any restaurant or banquet facilities in its present state. Site plan for this use should include standard screening. It is understood that the Board would urge the applicants to pursue the vacation of the intervening portion of Edgewood Drive. This application is granted in conformity with the agreements that were originally made between the applicants and the persons mentioned in contract dated March 12, 1968 in connection with the rezoning for the use as now proposed. This agreement shall be made a part of the motion and incorporated in the motion and any other agreements which were made between the applicants and adjacent property owners in connection with this use. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Wilson came before the Board to explain his request for a furniture dry cleaning establishment where furniture would be stripped of its original finish. He might do some refinishing there, he added, but most of it would be returned to the customers after it has been stripped. This is strictly for wood furniture. He presented printed material on the type of machine to be used.

This is the wrong zone for stripping and refinishing furniture, Mr. Smith said.

The other Board members agreed that Mr. Wilson should seek a change of zoning or look for other C-G property where this use would be allowed.

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McLean Little League - Request for night lights - (2 fields)

Mr. Smith moved that the McLean Little League be allowed to light two Little League fields as an extension of their use permit, with the understanding that they will submit a plan of the height, etc. to the Zoning Administrator. All other provisions of the original use permit of March 17, 1959 shall be maintained. It is understood and agreed that night baseball sessions will not go beyond 9:30 p.m. except in extreme times of an extra inning or two once or twice a season. All games shall be completed by 9:30 p.m. under normal play. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed with Mr. Pammel the list of proposed requirements for submitting BZA applications and suggested several revisions and corrections. This list will be rewritten and resubmitted to the Board for their approval.

Meeting adjourned at 5:15 P.M.
By Betty Haines, Clerk

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

January 23, 1969 Date

November 26, 1968

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, November 26, 1968 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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ROSA M. WICKLINE, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, Lots 36, 37, 38 and 39, Bryn Mawr, Dranesville District, (C-D), Map No. 30-2 ((9)) 36, 37, 38 and 39, S-989-68

Mrs. Henderson read the Planning Commission's request for deferral to January 28 since the property falls within the area included in the "701" McLean CBD Study which is not yet completed.

Mr. Yeatman moved that the application be deferred at the Planning Commission's request to January 28. Seconded, Mr. Barnes. Carried unanimously.

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MARY L. SLICHTER, application under Section 30-7.2.9.1.1 of the Ordinance, to permit antique shop in home by appointment only, 5101 Glen Park Road, Annandale District, (R-17), Map No. 70-3 ((1)) 21, S-990-68

Mrs. Slichter stated that she wished to have an antique shop in her home for a few customers, by appointment only. This would be in a room on the back of her house which has an outside entrance. She would have cut glass, china and other small items, and there would be no signs or outdoor display. She has lived in this house for eleven years on this property containing over seven acres.

Mr. Smith felt that if the application were granted, the Board could recommend that the graveled parking area of ten parking spaces be maintained in accordance with the Ordinance because with the large amount of land involved, the dust would be no problem to anyone.

Since this is an operation by appointment only, Mrs. Henderson suggested that there would be no great influx of traffic to create a dust problem.

One person at a time would probably park in front of her house, Mrs. Slichter said, and would probably not even drive back to the parking area.

No opposition.

In the application of Mary L. Slichter, application under Section 30-7.2.9.1.1 of the Ordinance, to permit antique shop in home by appointment only, 5101 Glen Park Road, Annandale District, Mr. Smith moved that the application be approved in conformity with plats submitted with the application dated October 1968 by Massey Engineers showing a parcel of 7+ acres of land; that there be 10 graveled parking spaces maintained in accordance with County policy, to serve this home occupation, and all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously. The application was later amended as follows: Mr. Yeatman moved that the application be amended to read Section 30-7.2.9.1.1 rather than 30-7.2.6.1.7 as it meets all of the requirements of this section of the Ordinance. Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the amendment.

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E. LAKIN PHILLIPS, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of portable classroom and use of basement of existing school as a classroom, 1524 Chain Bridge Road, Lots 1 thru 6 and 39, Block 4, West McLean, Dranesville District, (R-12.5), Map No. 30-2, S-991-68

Mr. Knowlton gave the following background on the application: On October 25, 1966 Dr. Phillips received a use permit from the Board of Zoning Appeals for tutoring on this site. On June 6, 1967 he received a use permit for a private school with 20 children. In both cases site plan was waived. He called attention to the plat submitted with the application, showing some discrepancy in setback, and added that this could probably be straightened out in the site plan process. The staff's feeling, he continued, is that the present application now calling for up to 50 students is a large school having a notable impact on the neighborhood, and site plan should be required if this is granted. If granted, the application should be held to the following conditions -- that site plan be submitted and approved, that no additional variances be provided, that there be screening on the north and west sides where abutting residential property; that road widening and entrance be required in accordance with the criteria of Design Review. The Planning Commission approved the application in accordance with the first three recommendations of the staff.

E. LAKIN PHILLIPS - Ctd.

Dr. Phillips explained that he was granted a permit in July for twenty extra students. Now he would like to have permission to use the basement. The inspection crew was out and approved the basement subject to the Board's approval, providing some holes in the ceiling were taken care of.

What is the request for a portable classroom, Mrs. Henderson asked?

Dr. Phillips replied that they are holding class in the church at the present time and would like to move those children from the church to the portable classroom. The school is devoted to individual instruction and treatment and they have to turn people away every day. They cannot move to larger quarters since this is a private non-profit corporation and they would have to have some kind of support in order to move. He would delete the request for portable classrooms from his application, and center his request on use of the basement.

Mrs. Henderson pointed out that the use permit granted Dr. Phillips did not include the operation in the church.

Dr. Phillips said he was under the impression that the church had a use permit and this would cover his students.

Opposition: Mrs. Robert T. Andrews, from the McLean Citizens Association, stated that since the applicant had withdrawn his request for portable classrooms, they had no statement of opposition. They are interested in proper site plan being provided and that there be compliance with the setback requirements. Also, they would like to see that provision be made for future widening of Route 123. They are particularly interested in seeing that no additional variances are granted and if there is additional parking, that proper screening be provided abutting residential property.

Mrs. Henderson read the Planning Commission recommendation based on the application as submitted, recommending that it be granted with the following conditions: that site plan be submitted and approved; that no further variances be granted, and that screening be provided on the north and west sides of the property abutting residences, complying with County standards.

Mr. Smith questioned the access from the basement to the outside.

Dr. Phillips stated that the children would have to go upstairs in order to get out of the basement, however, he could cut an exit into the ground, if necessary.

In the application of E. Lakin Phillips, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of portable classroom and use of basement in the existing school as a classroom, 1524 Chain Bridge Road, Lots 1 thru 6 and 39, Blk. 4, West McLean, Dranesville District, Mr. Smith moved that the application be granted in part: that the applicant be allowed to use the basement of the existing school as a classroom; that the portable classroom portion of the application be denied; that the applicant agree to abide by the site plan requirements for an application such as this. It is understood that there will be a total of not more than 40 students at any one time in the two buildings housing this operation, and that the additional use in the house at 1524 Chain Bridge Road is to alleviate a crowded condition necessitating the use of an adjacent church to carry on the school activities; that site plan will show entrance on Chain Bridge Road and exit on Cedar Avenue, basically in the area of the existing garage between the two houses. Parking will be provided in accordance with the ordinance as to setback; no less than 15 cars on the two properties under discussion. In accordance with the recommendations of the Staff and Planning Commission, a site plan shall be submitted and approved for this use and no variance other than those established at the time of the original granting shall be approved; screening shall be provided on the north and west sides of the house abutting single-family residences. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously. It is understood that there will be no use of the basement until Dr. Phillips has met the Code requirements of providing direct access to the outside from the basement in conformity with the remarks of the Inspections Division.

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NORTH WASHINGTON PROPERTIES, INC., application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of a motel, 48 units and banquet room 70' x 30', NE intersection of Route 50 and Annandale Road and at the rear of the Governor Motel, Providence District, (CDM), Map No. 50-4 ((1)) 28 & 29, S-993-68

Mr. Hansbarger represented the applicant. This is an addition to the existing motel, he explained, and would be located in the rear of the existing motel. This land was recently rezoned for the addition. There will be two separate buildings which will be operated by the same management. The proposed addition will contain 48 rooms with banquet facilities. They are providing 84 parking spaces with room for more if necessary.

Mr. Smith commented that the number of people allowed in the banquet facilities should be set by the Fire Marshal.

NORTH WASHINGTON PROPERTIES, INC. - Ctd.

The addition will be of brick, the same design as the existing motel, Mr. Hansbarger added.

No opposition.

In the application of North Washington Properties, Inc., application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection and operation of a motel, 48 units and banquet room 70' x 30', northeast intersection of Route 50 and Annandale Road and at the rear of the Governor Motel, Providence District, Mr. Smith moved that the application be approved in conformity with plats submitted by Runyon-Huntley 9-18-68 for 48 motel units and a banquet hall 70' x 30' or thereabouts, that the parking ratio to be established would be 48 spaces for the 48 units, 6 for employees, and additional parking spaces be provided at the ratio of 1-4 for the allowable number of people established by the Fire Marshal at any one time in the banquet facilities. All other provisions of the Ordinance pertaining to this application shall be met. It is understood that site plan will be required. Seconded, Mr. Barnes.. 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 a swimming pool and bath house for day camp, 11700 Leesburg Pike, Dranesville District, (RE-1), Map No. 6 ((1)) 52A, S-992-68

Mrs. Shaw stated that they got the permit for the pool but ran into septic problems and while trying to rework the location of the pool, the permit expired. The pool was never constructed.

Mr. Knowlton reported that this property is listed as one of the proposed historic sites in the County along with five others in the area.

This application was granted previously, Mr. Smith said, and if she had started construction of the pool before September 12 she would have been allowed to construct the pool without any road dedication as is now suggested by the staff. He did not think she should be required to dedicate for roadway purposes at this point.

In many occasions on Route 7 the Board has required a deceleration lane, Mr. Knowlton said, and since this is an historic site the staff did not recommend it in this case because they did not want to touch it until the Historic Committee had made their decisions.

No opposition.

This is actually an extension of a use permit granted in 1966, extended in 1967, and now the proposal is to move the location of the pool because of septic tank problems, Mr. Smith said. He hoped that drastic site plan requirements could be waived since this day camp is in operation and has been in operation for quite some time.

What is the construction of the proposed bath house, Mrs. Henderson asked?

It will be architectural type cinder block, Mrs. Shaw replied; the house is clapboard, white frame, and this block will look like clapboard.

In the application of 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, 11700 Leesburg Pike, Dranesville District, Mr. Smith moved that the application be approved in conformity with the original granting of September 20, 1966 with the stipulations as set forth as to the hours, number of children, weeks of operation, etc. This is only a revision as to plans for location of the pool and bath house which expired in September 1968. Board recommends that Staff recommend site plan waiver since this is under consideration by the Historic Review Board and is a historical site in the County, and it should be stated that this has been in operation since 1962 as a day camp. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously

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DEFERRED CASES

JOSEPH TAYLOR, application under Section 30-6.6 of the Ordinance, to permit erection of swimming pool 5 ft. from side property line, 8801 Fircrest Place, Lot 1, Blk. 28, Waynewood, Mt. Vernon District, (R-12.5), Map No. 111-2 ((6)) (1) 1, V-968-68 (deferred from Oct. 22, 1968)

Mrs. Henderson read the letter from Mr. Knowlton stating that the Staff did not propose any changes in the Ordinance regarding setback requirements for swimming pools.

Mrs. Henderson agreed that she did not think the setbacks required by the Ordinance for pools should be changed. A pool does create more noise, for instance, than a tennis court.

November 26, 1968

JOSEPH TAYLOR - Ctd.

Mr. Smith pointed out that a pool could be placed 12 ft. in the rear of the house and could be built within 4 ft. of a property line.

That is correct, Mr. Knowlton stated, and in the discussion of the staff it was overwhelmingly agreed that perhaps the Ordinance is too lenient in this respect. Perhaps putting it closer to the house and getting it further away from property lines would be in the best interests of adjoining property owners. The Ordinance is being reworked at the present time. A swimming pool becomes a more intensive use than any other recreational use carried on in a yard.

Mr. Smith felt that if ever there were a case for variance as far as lot shape is concerned, this is one, but the Board has to be consistent. They have denied one application for pool variance similar to this one and according to the staff's report he did not believe the Board should grant this one.

In the application of Joseph Taylor, application under Section 30-6.6 of the Ordinance to permit erection of swimming pool 5 ft. from side property line, 8801 Fircrest Place, Lot 1, Block 28, Waynewood, Mt. Vernon District, Mr. Smith moved that the application be denied. This was deferred for discussion by the Staff regarding swimming pool applications received by the Board, and in view of the statement from the staff that there is no thought of any changes in the present requirements, the application should be denied consistent with what the Board has done in the past with relation to pool variances. Seconded, Mr. Barnes. Carried unanimously.

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STANLEY REINES, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, maximum of 50 students, two sessions - 9:00 to 12:00 and 1:00 to 4:00, ages 3-5 years, 5 days a week, year round operation, 5610 Bismach Drive, Valley Park Apartments, Annandale District, (RM-2G), Map 81-1 ((1)) 7F, S-932-68 (deferred from October 22, 1968)

The applicant was not present. Mr. Smith moved that the application be denied due to lack of interest by the applicant. Seconded, Mr. Barnes. Carried unanimously.

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JOHN N. BEALL, JR., (CITIES SERVICE OIL CO.), application under Section 30-7.2.10.3.1 of the Ordinance, to permit relocation of pumps on islands and erection of canopy, 7109 Columbia Pike, Annandale District, (C-D), Map No. 71-1 ((1)) 101A, S-907-68 (deferred from October 29, 1968)

Mr. Beall stated that the station was built in 1957 and they wish to relocate the pumps on the pump island. The islands themselves will not be moved. This property is out of alignment with others as Columbia Pike has been widened to the north of them. The applicant is agreeable to giving up land that is out of alignment with his neighbor and if the front property were cut off this station would be in line with the others. The canopy will be higher than the station in order to allow trucks to get under them. The big reason for covering the pumps is to allow gasoline to be pumped during inclement weather without getting water into the gas tanks of automobiles.

No opposition.

In the application of John N. Beall, Jr., (Cities Service Oil Company), application under Section 30-7.2.10.3.1 of the Ordinance, to permit relocation of pumps on islands and erection of canopy, 7109 Columbia Pike, Annandale District, Mr. Smith moved that the application be approved in conformity with plats submitted to allow the construction of a canopy as outlined, and relocation of the pumps on the pump islands. Columbia Pike has been widened on both sides of this property and the staff recommends dedication to the rear of the proposed sidewalk line for the full frontage of the site, and the construction of new 8 ft. curbed islands with sidewalk to align with that on the property to the northeast. Seconded, Mr. Barnes. Carried unanimously.

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BOULEVARD ASSOCIATES, A LIMITED PARTNERSHIP, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre (seating capacity 900) adjoining Loehmann's Plaza Shopping Center, Providence District, (C-D), Map No. 50-3, S-977-68 (deferred from October 29, 1968)

The Staff report for this application was written some time ago, Mr. Knowlton told the Board, and things have changed since then. New plans have been submitted showing 900 seats rather than 800 as requested in the original application.

Mr. Dennis Burke, attorney for the applicant, stated that 225 parking spaces have been allotted for the theatre. The other stores will stay open one or two nights a week until 9 p.m. and the biggest theatre business comes after this time so there will always be plenty of parking available for the theatre. The office building shown on the plat will be strictly 9 to 5 during the day.

No opposition.

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BOULEVARD ASSOCIATES, A LIMITED PARTNERSHIP - Ctd.

In the application of Boulevard Associates, a Limited Partnership, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre (seating capacity 900) adjoining Loehmann's Plaza Shopping Center, Providence District, Mr. Smith moved that the application be approved for a 900 seat capacity theatre with parking as outlined in the site plan submitted for the development of this theatre and other buildings in the proposed shopping center; that exterior design be of architectural design pleasing to the eye, and all other provisions of the Ordinance pertaining to this application be met. Seconded, Mr. Barnes. Carried unanimously.

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DAVID ROBERTS, application under Section 30-6.6 of the Ordinance, to permit erection of addition closer to side property line, Lot 279, Section3, Westlawn, 3109 Wayne Rd., Mason District, (R-10), map no. 50-4 ((17)) 279, V-979-68 (deferred from October 29, 1968)

Since there were only three members present at this time, Mr. Yeatman moved that the application be deferred to the end of the agenda for a full Board.

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GERTRUDE W. LEVY, application under Section 30-6.6 of the Ordinance, to permit erection of one story building on rear property line, part Lot 57, 58, 59 and vacated Martin Avenue, Annandale Subdivision, 4235 Annandale Road, Annandale District, (C-D), Map 71-1 ((4)) pt. 57, 58, 59, V-981-68 (deferred from Oct. 29, 1968)'

Mr. Smith returned from lunch.

Mr. Klopfenstein represented the applicant and stated that there was no need for requesting a waiver of the travel lane.

Mrs. Henderson suggested moving the location of the building to meet the setbacks.

Moving the building would create problems in the front with the setback, Mr. Klopfenstein replied.

Mr. Yeatman said he felt that granting this application would add to the problems already existing in this area.

The only reason for the variance given by the applicant is the fact that Sherwin-Williams Paint Company wants the building in this location, and there is no place in the Ordinance to allow the Board to grant variances based on this type of argument, Mr. Smith said.

Has Mrs. Levy ever thought of redeveloping the entire property with a building more than one story high, Mrs. Henderson asked?

There are leases in the other stores which the applicant owns, Mr. Klopfenstein said, and Mrs. Levy has no control over them.

Several other suggestions were made for relocating the building, none of which Mr. Klopfenstein agreed to. They have tried to redesign the building to meet the 50 ft. setback from the street, but it proved illogical, he said, and they would not be able to rent such a building to anyone.

In the application of Gertrude W. Levy, application under Section 30-6.6 of the Ordinance, to permit erection of one story building on rear property line, part Lot 57, 58, 59 and vacated Martin Avenue, Annandale Subdivision, 4235 Annandale Road, Annandale District, Mr. Smith moved that the application be denied for the following reasons: the applicant has failed to prove the hardship as defined by the Ordinance and the applicant has additional land available on which to construct a building of this size and provide parking to meet the requirements of the Ordinance and not require a variance. Seconded, Mr. Baker. Carried unanimously.

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HARRY L. BURKA & ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to the rear property line, Lot A, John B. O'Shaughnessy Estate, on Seminary Road, Mason District, (C-G), Map No. 61-2 ((1)) part 99, V-937-68 (deferred from October 29, 1968)

Deferred to January 14 at the applicant's request.

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THOMAS W. NEWTON, application under Section 30-6.6 of the Ordinance, to permit erection of building 50 ft. from highway right of way line and on rear property line, easterly side of #95, north of Lorton Road (#642), Lee District, (I-G), Map No. 107 ((1)) 62A, 62B, 76, 76A, V-735-67 (deferred from October 29, 1968)

November 26, 1968

THOMAS W. NEWTON - Ctd.

Mr. Smith moved to Deferred to January 28 at the attorney's request and if no one is present on that date to pursue this application, it will be dropped for lack of interest. Seconded, Mr. Barnes. Carried unanimously.

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DAVID ROBERTS - The Board agreed to decide this case now that all the members had returned.

If this application is granted, Mrs. Henderson said she could foresee a great clutter of this kind of thing as many of the houses in this subdivision have the same situation with detached garages. The applicant could have a 24 ft. addition without a variance.

Mr. Yeatman moved that the application be approved as applied for. Seconded, Mr. Baker.

Mr. Woodson pointed out that a detached garage has to be 12 ft. behind the house before it can be 4 ft. from the property line and if this addition is granted, it will make the garage less than 12 ft. behind the house.

Mr. Smith amended the motion as follows, accepted by Messrs. Yeatman and Baker: that the application be amended to make the house conform on one side (that is 10 ft. where the 7 ft. shows on the plat), and to allow the garage to remain as is at 4 ft. from the property line. Carried unanimously.

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BENNY SMALL, application under Section 30-6.6 of the Ordinance, to permit sun deck to remain 6 ft. from side property line, 3301 Rose Lane, Mason District, Lot 1, Karen Knolls, (RE 0.5), Map No. 60-2 ((36)) 1, (deferred from October 29, 1968)

Mrs. Henderson read the report from the building inspector saying that the construction of the deck meets the requirements of the building code in all respects except for a few minor things which could be made conforming very easily.

Mrs. Henderson felt that there was no excuse whatsoever for letting this construction remain -- it amounts to a drive-thru carport.

Mr. Smith moved to defer for 90 days to allow the owner to bring this into conformity with the building code and to make every effort to get hold of the builder to have him explain to the board why he did not get a building permit. In the meantime Mr. Small should put a railing around the top of this deck to keep someone from falling. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Knowlton presented a plan of a shopping center with a service station included. The adjoining land is residential. The service station is separated from the other stores by a fire wall. The setback on the service station is 50 ft. The Safeway Store does not meet the 50 ft. setback.

Consensus of the Board was that the service station is a separate building since it has a fire wall which extends through the roof. It must meet the 50 ft. setback.

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The Board granted a six months extension (from 12-18-68) to CLEMENTE & TAYLOR at Mr. Hansbarger's request, and approved the site plan as submitted.

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No one was present to represent the VICTOR PERRY application to permit operation of dinner dance hall in existing restaurant, 8385 Richmond Highway, Mt. Vernon District. Therefore Mr. Barnes moved that the application be denied for lack of interest by the applicant. Seconded, Mr. Smith. Carried unanimously.

// Consensus of the Board was that making and altering female clothes in an apartment building would be similar to valet shop or valet service and would be an allowed use in RM-2.

Mrs. Henderson read a letter regarding the motion granting the application of Levitt & Sons (Community pool in Greenbriar Subdivision). The original motion was amended as follows -- that the fence setback should meet the requirements of R-12.5 cluster zoning, or 35 ft., rather than 40 ft. as stated in the motion. Seconded, Mr. Baker. Carried unanimously.

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The Board discussed the proposed height of a building planned by Mr. Waterval and took it under advisement for two weeks.

The meeting adjourned at 4:30 P.M.
By Betty Haines

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

January 23, 1969 Date

December 3, 1968

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 3, 1968 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.

ELEVEN G AMUSEMENT CORP., application under Section 30-7.2.7.1.2 of the Ordinance, to permit erection and operation of a super slide, north side of Commerce Street, Simmsco tract, Springfield District, (C-G), Map No. 80-4 ((1)) pt. 4D, S-994-68

Mr. Knowlton explained that through an error on the part of the staff, the wrong piece of property was posted, however, it was properly advertised.

Since the applicant had fulfilled all the necessary requirements on his part, Mr. Smith moved that the Board hear the application.

Mr. Colburn, representing the Super Slide Company, stated that there would be twelve slides on the 29 ft. width and the maximum height of the structure would be 35 ft. The slides are separated by ridges and children stay within their own lanes. Eleven G Amusement Corporation will own the equipment and the franchised operator will be George DeBruell. Insurance will be purchased through the Corporation at a million dollars per person per accident, backed by the Automobile Insurance Company of California. Insurance rates have gone down over the years because of their very low accident rate. The franchised operator buys the slide and equipment from Eleven G and pays a franchise fee on all the business he does on the slide. Safety inspectors check the slides, unknown to the operator, and furnish Eleven G with a copy of the safety report. Super Slide East is a Delaware Corporation, in the business of manufacturing and franchising the slides. They have sold over fifty different slides to franchisees; they in turn run the slide and purchase carpets, uniforms, etc.from the Corporation. Super Slide East is the corporation which holds the patent and Eleven G is a local corporation.

Mrs. Henderson questioned whether or not the application could meet the section of the Ordinance under which it is filed -- the parking does not meet the requirements and the land does not front on a primary highway.

There are no primary highways in Springfield, Mr. Knowlton pointed out. All of the streets were privately owned originally. When the bridge was constructed the State got Commerce Street into its system and has since gotten Brandon Street. The rest of the streets are still private.

Mr. Smith questioned the 50 ft. requirement for setback in parking areas -- if this were a residential area, he said, he would be the first to agree but in a commercial zone how can the Board require such a setback?

Mr. Knowlton pointed out that the application could also have been filed under Section 30-7.2.10.5.1 of the Ordinance.

Mr. Smith said he felt that the 50 ft. requirement for parking area setback pertained only for residential zones. The Board should not require a greater setback for one commercial use than for another.

A special use permit is presumed to have a greater impact than a commercial use allowed by right, Mrs. Henderson pointed out.

Parking is parking in a commercial zone, Mr. Smith contended, regardless of the use attached to it.

Mr. Smith moved that the application be heard under Section 30-7.2.10.5.1. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Knowlton informed the Board that site plan approval would be required but it is considered administratively difficult to approve site plans until the Board has set the amount of parking, etc. Also, at the Planning Commission hearing in connection with this application, the recommendation was that the application be approved for a period of two years only, with the option of coming back after there had been some experience with this operation.

What is the fee charged for each slide, Mr. Yeatman asked?

Prices range across the country from 10 cents to 25 cents a ride, Mr. Colburn replied, and at this operation they will charge 15 cents a ride or a package of more rides at 10 or 12 rides for $1.00. Sometimes children are allowed free rides, for example, they let a bus load of deaf-mutes ride free very recently.

Is the location of the entrance the best place, Mrs. Henderson asked? It seems that everybody has to make a left turn to get in.

December 3, 1968

ELEVEN G AMUSEMENT CORP. - Ctd.

This has been discussed with the applicant, Mr. Knowlton said, and it will be lined up with the service drive -- this can be taken care of on site plan.

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What time will this operation close at night, Mrs. Henderson asked?

Normally not later than 10 p.m., Mr. Conroy answered. In answer to her question of how do they keep people off the slides at midnight, he replied that it is kept lighted and they will have the highest fence allowed by the County topped with three strands of barb wire. The only entrance would be through the gates; the operation would be completely fenced.

Opposition: Mr. Donald Bowman, Supervisor from Springfield District, represented citizens who could not appear. He pointed out that the Yates Village and Springfield Gardens Apartments are nearby and the residents are concerned about noise factors from this slide. The shrieks from the slide customers at Ocean City are comparable to those from a roller coaster. Another point of objection is that they already have two "hot spots" of behavioral difficulty in the area and this might create a third. If the application is granted, he urged that some form of control over the hours of operation be established. Most of the retail establishments in the area close at 9 p.m. with the exception of drug stores, gas stations and restaurants. The people of Springfield request deferral for two weeks as they were not aware of the application having been filed and scheduled for hearing until the last minute and were unable to be present.

His own personal reaction to the application, Mr. Bowman continued, is that this is serious underutilization of the land situated as it is in the community, and his feeling of disappointment is tempered with the hope that this would be of a temporary nature, if granted. This State has had no experience with this type of an operation and it might be a good thing to place a time limit on the operation until some experience has been gained. With respect to access onto Commerce Street, technically it is not a primary highway as it does not meet the highway standards including such factors as width of travel lane, sight distance, etc. This street is going to be an extremely important viability in this area in the future. There is under review by the County and the Highway Department a site plan for a proposed regional shopping center which will generate 30,000 vehicles per day. The Highway Department feels that a number of major traffic arteries will be necessary to accommodate this traffic. He said he understood that a motion was made at the Planning Commission hearing that the Board be requested to restrict access to the shopping center parking lot to the north. The motion failed. Then the Planning Commission asked that a statement of their discussion be read at the BZA hearing.

If the Planning Commission wished to restrict access from Commerce Street, Mrs. Henderson asked, wouldn't that mean access over some else's property?

Mr. Scott has an oral agreement with the owners to the north that nothing would be built to prohibit travel between the two parcels, Mr. Bowman replied. Also, he hoped the operators of this facility, if granted, would be aware of the anti-loitering ordinance in the County as he was sure there would be members of the community who will be watching this facility very carefully. The operators should be aware of the county anti-noise ordinance, too. This type of situation can get out of hand.

Mr. John L. Scott stated that the traffic problem all over the County is great and will continue to be great. In response to Mr. Bowman's remarks regarding Commerce Avenue, he said that while he was president of the Springfield Chamber of Commerce, a committee was created to study the principles of Springfield and they worked with the Highway Department for three years. As a result of the committee and the desires of the State, Mr. Simms and Mr. Scott built and gave Commerce Street to the State of Virginia at a cost of $140,000 in out of pocket expenditures. In addition, Mr. Simms later gave land for Commerce Street's extension. It would be unfair to deprive their property of use of Commerce Street. The regional shopping center referred to by Mr. Bowman may not come into existence at all and if it does, it may be two years or more. This is only a temporary use of the land which would serve a much needed use in the community and would generate little additional traffic and he hoped the Board would take this factor into consideration.

To deny access from Commerce Street to this particular parcel of land would not be in keeping with good policy, Mr. Smith said. If there are any other possibilities of access to alleviate any hazards on Commerce Street he would like to see this accomplished, but the Board should not cut off the entrance to Commerce Street.

Mr. Knowlton told the Board that a site plan has been submitted for a large shopping center in this area and it will probably be two years before completion. One of the problems is the massive residential area to the north and in order to get to the Beltway it would be necessary to make a right turn and a left turn which is very bad. This would bring Amherst Street down to the shopping center property and into Commerce Street and the State has not allocated any money in the five year plan.

Mrs. Henderson read the Staff comments -- "The staff feels that the proposed use is not in conflict with the existing uses in the area. The parking for 48 cars would seem to be adequate. With the changing character of Springfield, with proposals for new shopping facilities and roadways in the area, and with no previous experience with this use, the staff recommends that a limit of time be placed on this use."

The Staff recommended that "the application be granted for a period of two years, after which a rehearing may be held to extend or modify the approval."

ELEVEN G AMUSEMENT CORP. - Ctd.

The Planning Commission recommendation was as follows: "Following lengthy consideration of this matter, the Planning Commission recommended to the Board of Zoning Appeals that the subject application be granted and that the period of operation be limited to two years. Further, it was requested that minutes reflecting Commission discussion of this application be made available to the Board of Zoning Appeals for review."

Because there are four uses between this site and Brandon Street with direct access to Commerce Street, and because there are many other uses allowed by right in a C-G district which could have as much impact traffic-wise on Commerce Street, Mr. Knowlton said it seemed to the staff a little strenuous to say that this particular use could not have access to an existing road on which it has frontage.

Mrs. Henderson agreed, adding that it would be arbitrary to deny access to this use.

In the application of Eleven G Amusement Corporation, application under Section 30-7.2.7.1.2 of the Ordinance, to permit erection and operation of a super slide, north side of Commerce Street, Simmsco tract, Springfield District, Mr. Smith moved that the application be approved for a period of two years under the following conditions: that the residents of the Springfield area, and the County in general, have this particular recreational facility available to them. In limiting this to two years, he would refer to the statements from Supervisor Bowman and the statements of the Planning Staff and Planning Commission who have all reviewed this, this being the first such recreational facility to be established in the County. It is understood that the slide itself is not more than 35 ft. in height; that there will be not more than 12 slots for sliding; that there be 48 parking spaces for the use itself. Hours of operation -- Monday through Thursday, 10 a.m. to 10 p.m. except those days when public schools in Fairfax County are in session, then hours will be 3 p.m. until 10 p.m. except Friday which would be 3 p.m. until 11:30 p.m. Saturdays from 10 a.m. until 11:30 p.m. Sundays 1 p.m. to 10 p.m. The franchised operators of the Super Slide East Corporation shall use every means at their disposal to protect the safety and general health and welfare of the users of the facility and take into consideration undue noise factors that might be in conflict with the County Ordinance. Lighting should be so directed that it will shine on the applicant's property and on the slide itself and not overflow onto adjacent areas; the facility shall be shielded in such a manner that it will not be of nuisance value to adjacent property owners and the area shall be fenced with a chain link fence to the greatest extent allowed by the Zoning Ordinance. A telephone shall be located in the ticket office and manned during the open hours. The telephone number shall be transmitted to the Zoning Administrator and the Land Use Administration Division of the County and the operators and agents' names shall be listed with those departments to that they may be contacted if necessary. All other provisions of the Ordinance with relation to this particular application shall be met. It is understood that the application requires site plan approval. Seconded, Mr. Barnes. Mr. Smith clarified his motion by saying that the area to be fenced was not the entire parcel of land but the slide area itself. The ticket office should meet the setback requirements of 50 ft. from Commerce Street. There shall be no loudspeakers other than those that can be tuned to the particular area of the slide. Carried 4-0. Mr. Baker abstained.

Later in the day, Mr. Smith moved that the record on this application be held open for two weeks and that the applicant be given a copy of the motion with these restrictions, and during this period of time any interested parties in the Springfield area may contribute to the Board suggestions or additional information which might be helpful to the Board.

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WILLIAM HANCOCK, application under Section 30-6.6 of the Ordinance, to permit erection of open porch 46.5 ft. from Ruby Drive, Lot 4, Sec. 2, Vannoy Acres, 5411 Ruby Drive, Centreville District, (RE-1), Map No. 67 ((2)) 4, V-995-68

The old porch is bad, Mrs. Hancock stated, and they would like to replace it with a larger one. Her father is in a wheel chair and it is very hard to get him in and out with the small porch which they now have. Instead of the 6 ft. porch as exists, they would like to make the new porch 7 ft. wide and run it all the way across the front of the house. They have lived in this house for twelve years.

No opposition.

In the application of William Hancock, application under Section 30-6.6 of the Ordinance, to permit erection of open porch 46.5 ft. from Ruby Drive, Lot 4, Section 2, Vannoy Acres, 5411 Ruby Drive, Centreville District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted. The applicant has lived here for approximately twelve years and the renovation and expansion of the porch area will facilitate better living conditions for people living there. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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SAMUEL J. FULTON, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 50' x 60' on north property line, on west side of Gallows Road approximately 1500 ft. north of Lee Hwy., Providence District, (I-P and I-L), Map No. 4902 ((1)) 18, V-996-68

December 3, 1968

SAMUEL J. FULTON - Ctd.

Mr. R. V. Raehn represented the applicant. The height of the proposed building would be approximately 15 ft., he said.

Mr. Knowlton reported that the entire area is included in the Plan for Industrial zoning.

Mr. Raehn explained that they need a variance because the adjoining property to the north, although planned for industrial development, is currently zoned residential. Their tract contains one acre and is configured so that the average frontage is only about 90 ft. There is an existing house on the property which they would use as their office and they would construct the warehouse immediately behind and to the rear of the existing house on the side adjoining the residential property. The house is set to the right at such a distance that this is the only way they can put in a driveway and get access to the rear of the property without removing the house. They have to allow enough room for trucks to gain access into the area, turn around and get back out. Putting the building at the side would allow room for vehicles to turn around in front of the warehouse. This will be for light building materials, aluminum siding, and home improvements. The present house is frame.

Mr. Smith pointed out that they might not be allowed to use the house for office purposes.

The house is in excellent condition, Mr. Raehn said, and they assume it is a good building in all respects. If it is not, it will have to be replaced.

Are you basing your hardship on this building that exists, Mr. Smith asked?

No, only on the turnaround, Mr. Raehn replied. The existing building has no real connection with the distance requirement for the warehouse. It is a matter of being able to utilize any building on this property effectively because of the narrowness of the lot.

Mr. Smith suggested placing the building with a 15 ft. side yard and still have 25 ft. on the other side of the driveway for getting trucks in and out.

I-L itself does not require any setback, Mr. Raehn said. When this was rezoned in October the first half was granted I-P and the back part I-L. This created the distance versus height problem. The only reason for the I-P zoning was to eliminate the possibility of using the front portion of the property for retail purposes. Furthermore, when he presented this to the Board of Supervisors, they approved the applicant's plans as a part of rezoning, however, when Mr. Pammel reminded them that they had no authority to do this, they recommended that the applicant apply to the Board of Zoning Appeals.

Was it explained to the Board of Supervisors that the existing building would be used for offices, Mr. Smith asked?

Yes, it was explained to everyone that it would be used as an office, Mr. Raehn answered.

Why can't the proposed building be put all the way back in the I-L zoning, Mrs. Henderson asked? Are the two buildings going to be connected?

Yes, but solely as a matter of convenience, so people working in the office can walk into the warehouse, Mr. Raehn said. The garage on the property would be removed.

It seems the majority of the building is in the I-P zone, Mrs. Henderson observed, so the 15 ft. setback for the I-P must be maintained unless the whole thing is moved back into I-L and have a walkway connection. What does the applicant propose to do with the rear of this long, narrow tract?

Mr. Raehn said they were undecided. It could be zoned for expansion, parking, etc.

The I-P zone, which is more restrictive than I-L, performs the job of buffer across from the apartments, Mr. Knowlton told the Board.

Mr. Smith asked to read the minutes of the Board of Supervisors to see if their intent was to allow the house to remain to be used as office building, and if their intent was to rezone the land and convey to the applicant the possibility of an approved variance. How many people will be employed there, he asked?

The people in the building will vary from one to three, Mr. Raehn replied.

Mrs. Henderson felt that to grant a variance would be contrary to all the requirements of I-P zoning as the entire building could be moved back into I-L and put on the line.

The applicant is asking the Board to grant a variance for convenience, Mr. Smith added, to connect with an existing building and this is not grounds for granting a variance. There is no hardship other than the fact that he is adjacent to residentially zoned land and has to meet the setback requirements unless he gets the variance. This is a request to construct a building on the property line on a strip of land on which this zoning category was meant to prevent. The I-L property in the rear gives maximum utilization of the land.

December 3, 1968

SAMUEL J. FULTON - Ctd.

Opposition: Antionia B. Morgan, owner of Lots 17 and 17A, stated that she attended the Board of Supervisors meeting and was disturbed when Mr. Pammel stated that the waiver presented no problem as it was located adjacent to land included in the Industrial Plan. She and her husband have lived here for eighteen years, and in 1959 they bought Lots 17 and 17A with the intention of repairing and restoring the house which was there. At that time the appraisers said it would take $5,000 to make the house livable. Two years ago the place was vandalized and it would cost $3,000 to replace the plumbing alone. It has never been part of their plans to sell and they do not plan to sell now. As far as they are concerned this will remain residential property. They made strong opposition to the industrial zoning at the Board of Supervisors hearing. They are long-time County residents and plan to continue to live here, Mrs. Morgan continued, and it does not seem to them that there should be a waiver of the 100 ft. setback from the residential line. They object to the noise from large trucks that will be coming in and out, whether the warehouse is located totally in the I-L or the I-P zone.

Mrs. Henderson pointed out the provision in the ordinance permitting the waiver of the 100 ft. setback from adjacent residential property if it is included in the Plan for Industrial Development.

"And the use proposed will not constitute an undue nuisance to the adjacent residential district," Mrs. Morgan added. They don't oppose the industrial use, but they feel that granting a variance to allow the building closer than 100 ft. to the property line is an undue hardship.

If the variance were granted from the residential area, Mr. Smith suggested, then the 15 ft. setback or height of the building should be maintained, whichever is the greater, plus a fence between the two areas.

The lot is only 89 ft. wide, Mrs. Henderson said, and it would be impossible to maintain the 100 ft. setback. To deny the variance would amount to confiscation of the land because it could not be used, and the Board is prohibited from doing that. If he put the building back in I-L with the waiver from the 100 ft. setback, it could be put on the property line by right. Without the waiver of the 100 ft. setback the land is unusable and this amounts to confiscation. The State Code and Ordinance prohibit that.

If he builds it the way he plans to build it, Mr. Smith said as far as he was concerned the 15 ft. setback would have to be maintained but he could still by right move the building to the rear of the lot and get it further away from Mrs. Morgan's lot.

Mrs. Henderson said she felt that putting the side of the building next to Mrs. Morgan's property would be a greater advantage than putting it over on the other side of the property because then she would get all the truck traffic.

The 15 ft. setback would be less objectionable to them and less unsightly, Mrs. Morgan said. Would the fact that your property is included in the plan but you have no intention of conforming to the plan, still make you subject to these requirements, Mrs. Morgan asked?

Yes, Mrs. Henderson replied. Your land is included in the plan but before it could be rezoned the owner would have to file a rezoning application.

If the house on the property were renovated for residential purposes before site plan approval for the warehouse is given, screening would be required, Mr. Knowlton pointed out.

In going over the Board of Supervisors Minutes, Mrs. Henderson said her interpretation of Supervisor Wright's motion was that they would recommend that the appropriate authority grant the necessary waiver to permit construction of the building in the industrial zone, referring to the 100 ft. setback. There could be no building at all put on the property without a variance from the 100 ft. requirement. There are two problems involved -- if they want to build in the I-P zone, they have to have a variance granted for the height of the building, or if it is moved all the way back into the I-L zone, no variance is needed, only a waiver of the 100 ft. requirement.

Mr. Raehn contended that the minutes of the Board referred to the 15 ft. setback and he felt that Mr. Pammel would validate that. If there is a question, he should be consulted.

From the evidence presented, there are no questions, Mrs. Henderson said.

Because of his concern for statements made by the applicant, Mr. Smith said, he requested the Board of Supervisors minutes regarding granting the rezoning, and his opinion is that the motion to grant the rezoning referred to the 100 ft. waiver and there was no intent to grant a variance of 15 ft.

Granting everyone the benefit of the doubt, Mrs. Henderson said, even if they did use this plan in granting the rezoning, she disagreed with an additional variance of 15 ft. as they have not made a case based on the variance section of the ordinance.

December 3, 1968

SAMUEL J. FULTON - Ctd.

In the application of Samuel J. Fulton, application under Section 30-6.6 of the Ordinance, to permit erection of warehouse 50' x 60' on north property line, on west side of Gallows Road approximately 1500 ft. north of Lee Highway, Providence District, Mr. Smith moved that the application be denied, and in lieu of this proposal that the applicant be granted a waiver or a variance on the 100 ft. setback requirement from the residentially zoned land adjadent to the applicant's property in order to construct a building of the dimensions set forth in this application in the Industrial zoned area, meeting all setback requirements in the zone in which the building is to be constructed. The Board neither condones nor condemns use of the existing building as an office. This is solely a matter of inspection and approval under the site plan. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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GEORGE N. SUMMERS, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 15 ft. from Millwood Road, prop. pt. Par. C, Jackson Mill Woods, Dranesville District, (RE-2), Map No. 13-3 ((5)) C, V-997-68

The total tract contains about 4 1/2 acres, Mr. Summers explained, and he is dividing it into two lots. The site containing the existing house will have 2 acres and he is seeking a variance on the 2 1/2 acre lot for the proposed house. The left portion of the lot is in flood plain and sometimes has 4 - 5 ft. of water standing on it. The road now ends at the Brittain property and he did not think there would be any occasion to extend the road. He is now in the process of recording this subdivision. The health department has approved sanitary facilities and the lot meets all other county requirements. The proposed house will face on Millwood Road and back up to the lake. It will have to be put on stilts for purposes of getting the drainage into the dry well. If he met the 50 ft. requirement from the road, the house would be sitting in the lake. There is no other location on the lot for the house, because of the flood plain problems.

No opposition.

In the application of George N. Summers, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 15 ft. from Millwood Road, proposed part Par. C, Jackson Mill Woods, Dranesville District, Mr. Smith moved that the application be approved as applied for. This is a 2+ acre parcel of land in an area set aside for a two acre subdivision. The land is very hilly and almost unusable as far as building of a residence is concerned. Without a variance the land could not be utilized. The applicant has owned the land for a number of years and intends to construct a house if the variance is granted. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL CO., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, Lots 6 and 6B, Sec. 2, Franconia Hills, Lee District, (C-N), Map No. 81-3 ((5)) 6 & 6B, S-998-68

Mr. Aylor stated that sewer and water facilities are available to serve the proposed use and the engineers have indicated that there will be no problems with storm drainage. They have provided a 22 ft. travel lane along Franconia and Grovedale Roads and they propose to dedicate 40 ft. from the center line of Franconia Road to the edge of the travel lane, and 30 ft. from the center of Grovedale Road to the edge of the travel lane. The canopy is attached to the building. He showed a picture of the type of station they propose to build, and added that there would be no lettering on the red plastic strip (the tri-band trademark). The sign will be 7' x 7' and not over 20 ft. high. There will be only one sign and that will be at the intersection. The station will be a three bay, rear entry station. They would like to have the entire parcel less and except the southern 75 ft. included in the use permit.

Mr. Sibert expressed concern of drainage problems on the property. There was a previous denial for a 7-Eleven Store on the property because of it, he said.

Mr. Yeatman assured him that site plan approval would take care of any drainage problems.

In the application of Cities Service Oil Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, Lots 6 & 6B, Section 2, Franconia Hills, Lee District, Mr. Yeatman moved that the application be granted for construction of a service station as shown in the picture presented to the Board; that the applicant dedicate 40 ft. from center line of Franconia Road and 30 ft. from center line of Grovedale Drive, with a sign not larger than 49 sq. ft. and 20 ft. high. Granted for gasoline station use only, no U-Hauls or wrecked cars stored on the property. The south 75 ft. of the property is excluded from this use permit. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Baker. Carried unanimously.

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GEORGE L. JUDY, application under Section 30-6.6 of the Ordinance, to permit erection of addition 37.08 ft. from Burford Drive, (two car garage with greenhouse above), 932 Woburn Ct., Lot 48, Sec. I, Olde Swinks Mill Ests., (RE-1), Map 21-3 ((5)) 48, V-999-68

Mr. Don Misener represented the applicant. Mr. Judy is interested in antique cars, he explained, and wishes to have a place to store his antique automobile and work on it. The greenhouse will be for his wife. The construction will not look like a greenhouse and garage but will pick up the same roof line as at the other end of the house. There are hilly conditions in Old Swinks Mill Estates and from this structure to the curb line, the visual line will appear to be 50 ft. There will not be a driveway from this garage and the car will only be taken out perhaps once a year for an antique show.

Mrs. Henderson suggested putting the proposed addition where the existing driveway is, however, Mr. Misener said the greenhouse would not receive sun in this location.

Mrs. Henderson felt that the 26 ft. length could be cut down, and Mr. Misener agreed that the stairs could be turned to reduce the length by 3 ft.

No opposition.

In the application of George L. Judy, application under Section 30-6.6 of the Ordinance, to permit erection of addition 37.08 ft. from Burford Drive, (two car garage with greenhouse above), 932 Woburn Ct., Lot 48, Sec. 1, Olde Swinks Mill Ests., Mr. Smith moved that the application be granted in part, that the applicant be allowed to construct within 40 ft. of Burford Drive. There is an additional 10 ft. from the road to the property line in this particular area, giving the same distance as if there were 50 ft. separation between the construction and the roadway. The applicant has shown a degree of hardship based on topography and it has also been pointed out that the house was placed on this corner lot in a rather unusual fashion restricting the construction to some degree. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the application, as she did not think the addition was necessary as there is already an existing garage and this addition is to take care of a hobby plus an enclosed porch and greenhouse.

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CHARLES E. MICHAEL, JR., application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 13.3 ft. from side property line, 2933 Fairlee Dr., Lot 40, Fairlee Subdv., Providence District, (RE-1), Map No. 48-2 ((6)) 40, V-1001-68

Mr. Michael stated that he wished to add a bedroom and bathroom. They have only two bedrooms and one bath at present. They have lived in this house for approximately six years.

Is the enclosed porch used for living facilities, Mrs. Henderson asked?

Yes, they use it as a family room, Mr. Michael explained.

Mrs. Henderson pointed out that the lot size is only half of what is required for this zone, and the frontage is 50 ft. less than required today.

Also, the septic tank is located in back of the house and he cannot build there, Mr. Yeatman said.

In the application of Charles E. Michael, Jr., application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 13.3 ft. from side property line, 2933 Fairlee Drive, Lot 40, Fairlee Subdivision, Providence District, Mr. Smith moved that the application be approved as applied for. This is the only area for expansion of the home due to location of the septic field. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

SHOUSE VILLAGE COMMUNITY CENTER, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community center, including swimming pool and tennis courts, on relocated Towlston Rd., Centreville District, (RE 0.5 cluster) Map No. 19-4 ((1)) 54, S-987-68 (deferred from Nov. 12)

Mr. Barnes Lawson represented the applicant. The application, he stated, is to permit within the confines of the subdivision a community center, pool, a lake which is already there, and tennis courts. The property is zoned RE 0.5 and at the time of zoning the County asked them to dedicate an elementary school site, which they did, and the Historical Society asked them to preserve an old barn and house on the property, and they have agreed to do that. The staff asked them to preserve the old trees on the property, which they will do, and the County asked Symphony Hill if they would join in with Yeonas and take care of the road, so they have relocated the road up to Route 7. There is now an 80 ft. divided road going into the area. The barn will be turned into the recreation center for the community and the pool is beside it.

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SHOUSE VILLAGE COMMUNITY CENTER, - Ctd.

The house on the property, Mr. Lawson continued, will be occupied by the caretaker of the area, or if they are unable to do that, it will be an individual house. There will be 11.2 acres, counting the lake, in this recreation area and they have put a pathway around the lake. They have talked with people in the area and think they will be allowed to use it, but basically this will be a membership type of thing for the people in the development. There are 260 members at present, they hope to have 350 or 400 members. Land inthe rear has been dedicated to the Park Authority. Eventually there will be a 400 house development. This facility is designed to accommodate up to 500 members. Parking can be expanded. The 16' x 16' gazebos are open structures expected to be gathering places for people walking through the park. No homes have been built yet.

No opposition.

In the application of Shouse Village Community Center, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community center including swimming pool and tennis courts, on relocated Towlston Road, Centreville District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted; that the applicants provide at least 100 parking spaces prior to opening these facilities, and any additional parking necessitated by membership in excess of 300 family membersship to be provided at the ratio of one parking space for each three additional family memberships; that parking would be in areas designated and approved by the Planning Staff under site plan; if this is provided adjacent to, or backs up to, residentially developed lots, that the applicants provide screening as set forth in the ordinance for this type of thing; that the maximum number of members be limited to 500. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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The Board read a letter from Mary Goepfert regarding her application for doctor's office (non-resident) which was granted October 29, 1968, but meeting the setback requirements for parking was a physical impossibility on such a narrow lot. Consensus of the Board was that she would have to find another lot.

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Mrs. Henderson read a letter from National Concrete Masonry, Inc. asking if they would be allowed to test materials for strength in C-O zoning. It would be part of the office structure and there would be no noise, odor, fumes, etc. The Board took this matter under advisement.

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The meeting adjourned at 4:00 P.M.
By Betty Haines

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

January 23, 1969
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 17, 1968. All members were present. Mrs. L. J. Henderson, Jr., Chairman presided.

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

GATEWAY DEVELOPMENT CORP., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community pool, bath house, wading pool and stable, Parcel S, Section 5, London Towne, Centreville District, (RTC-10), Map No. 53-4, S-1000-68

Mr. Dennis Burke described the location of the property which is separated from any living area by 150 ft. for the stable and the bath and club house are about 190 ft. from any lot line. This will be a complete recreational area -- swimming pool, bath house, club house, riding stable, and open area in the back of that which will not be developed. This will be in the nature of a quasi-private pool; once it is built and is fit financially, it will be turned over to London Towne Home Owners Association. Membership will be sold only to property owners in the subdivision. He believed there was sufficient screening between the proposed pool and any adjacent residential area. Proposed membership will be 500 families and 154 parking spaces will be provided.

What is the size of the bath house, stable, etc., Mrs. Henderson asked?

The bath house and club house is 42' x 78' and the stable is 36' x 20', Mr. Burke replied. At the present time their plans are to use the stables for horses owned by the residents. The building will be of masonry cinderblock, and the bath house will be Old English style to blend in with London Towne, and it will be brick faced. The total RTC-10 property is approximately 360 acres.

Where will you put the future baseball fields, Mr. Smith asked?

It will not be on this tract, Mr. Burke answered -- this is all we propose to put on this particular tract.

No opposition.

In the application of Gateway Development Corp., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community pool, bath house, wading pool and stable, Parcel S, Section 5, London Towne, Centreville District, Mr. Smith moved that the application be approved under the following conditions: that the applicant provide 170 parking spaces to serve the maximum 500 family membership complex proposed to be installed. This would include a 15' x 10' storage building, 42' x 78' bath-clubhouse building, and 36' x 20' stable. All other provisions of the Ordinance pertaining to this application shall be met, including complete fencing of the entire pool area (this is the pool itself). Seconded, Mr. Barnes. Carried unanimously.

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DR. WILLIAM D. SWARTZ & GORDON S. DAVIS, application under Section 30-7.2.10.2.6 of the Ordinance, to permit erection and operation of small animal hospital, part Lots 17, 18, 19 & 20, Bryn Mawr, Dranesville District, (C-D), Map No. 30-2, S-1002-68

Mr. Hansbarger represented the applicants. He showed a rendering of the proposed building which he said would be soundproof and odor free, pleasing to the eye, and equipped with the latest hospital equipment and personnel capable of rendering the finest professional services. This would include surgery, x-ray room, lab, pharmacy, and all parts of the medical aspect of a hospital.

Dr. Davis told the Board that there would be two separate heating and cooling systems. The windows will be shuttered on the inside and thermopaned, and the air which is circulated in the building will be electrostatically filtered. The walls are concrete block and on the inside they will be soundproofed with styrofoam. The back towards the inside will be filled with zonolite which has pretty well been proven throughout their profession as almost totally soundproof. Styrofoam on the inside of that plus brick veneer should cut out all of the noise. There will not be an incinerator on the premises. They will have privately contracted trash disposal which would occur with sealed containers.

The Board recently deferred the application of Rosa Wickline, Mrs. Henderson pointed out, because it was located in the area included in the McLean 701 study.

Mr. Knowlton reported that a major drainageway must eventually be built in this area and it would be necessary that no road be built there at this time. Even if

a service road is required on this primary highway, construction would have to be deferred pending this massive sewer problem.

Mr. Hansbarger stated that they are prepared to comply with the requests made by the Drainage Department. He understood, however, that the plan for realignment of Old Dominion has no official status. When the Chesterbrook Shopping Center was built, people did not want the road changed. The realignment would take this property as well as the Shell station nearby and he did not visualize the Highway Department putting up this kind of money.

Mrs. Henderson agreed that the realignment of Old Dominion is certainly a nebulous thing, but felt it would be reasonable to defer to January 28 as in the Wickline application. It would be discriminatory to grant this particular application after deferring one in the same area.

Mrs. Duffis, representing her father Mr. Louis Minicleer, owner of the home behind the Shell Station on Whittier Avenue, spoke in favor of the application. She has been a resident of McLean for fourteen years, she said, and would be opposed to a change in the highway.

No opposition.

Mr. Smith moved to defer to January 28 to see if there is more concrete information by that date and if the staff has no recommendation by that time, the Board could defer for four more weeks. Mr. Barnes seconded the motion to defer to January 28 but not the additional deferral. Mr. Smith withdrew the provision for four additional weeks.

Motion carried unanimously. Deferred to January 28, 1969.

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JAMES D. ADAMS, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition (carport with room above), 13'+ from side property line, Lot 15, Section 2, Panoramic Hills, 4132 Whispering Lane, Mason District, (R-17) Map No. 72-1 ((5)) 15, V-1003-68

When the house was constructed, it was set at an angle, and because of the position of the dwelling, it puts the back corner 1 1/2 ft. too close to the line with a 12 ft. addition, Mr. Adams explained. To build a smaller room would not be practical.

Mrs. Henderson suggested putting this on the front level of the house and cutting off the back as soon as it hits the 15 ft. mark -- this would pick up 2 ft. Why is it necessary to have this long narrow room, she asked?

As far as setting it back from the front of the house, Mr. Adams said, it is a purpose of esthetics. The room will actually be in three parts -- underneath is a carport. The room above the carport will be in two parts -- family room and a greenhouse.

Couldn't the greenhouse part be longer and narrower to maintain the setback, Mrs. Henderson asked?

No matter what he does to the greenhouse, the corner of the porch and family room will probably be too close to the 15 ft. line, Mr. Adams said. The house was constructed in 1959 and he bought it in 1961. The lot is higher in front and drops off toward the back, then is reasonably level.

The fact that the proposed construction above the carport is one that is not set aside as sleeping quarters has some effect on his thinking on this, Mr. Smith said, as well as the placement of the house on the lot. Had the house been erected squarely on the lot, the applicant could have had a carport or any addition here, and therefore the request seems to be a reasonable one.

Is the entire 38 ft. of the underneath structure going to be carport, Mrs. Henderson asked?

No, part of it will be storage area, Mr. Adams said.

No opposition.

In the application of James D. Adams, application under Section 30-6.6 of the Ordinance, to permit erection of addition 13+ ft. from side property line, Lot 15, Section 2, Panoramic Hills, 4132 Whispering Lane, Mason District, Mr. Smith moved that the application be approved as applied for as shown on the plat and it should be pointed out again that this house was placed at an unusual angle on the lot which is irregularly shaped, bringing about a condition that would certainly not allow the owner full use of his land The proposed addition is to be part of the applicant's retirement home, for his own use. Seconded, Mr. Barnes. Carried unanimously.

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CITIES SERVICE OIL COMPANY, INC., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station, Lot 7, Grave's Addition to Springvale, Springfield Dist. (C-N), Map No. 90-2 ((3)) 7, S-4-69

Messrs. W. Kelly and R. E. Lancaster, Manager of Construction and Maintenance of Baltimore, represented the applicant.

Mr. Kelly stated that they had received approval of the request previously and due to negotiations dragging out so long, their use permit expired. Citgo is now the owner of the property. Before the application expired, there was a site plan submitted by another oil company on the property but since then it has changed back to Citgo. They will be submitting another site plan.

There is a site plan on file now for Citgo, Mr. Knowlton said.

Mr. Kelly added that the sign will be a 7' x 7' regular Citgo sign.

No opposition.

In the application of Cities Service Oil Company, Inc., application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lot 7, Graves Addition to Springvale, Springfield District, Mr. Smith moved that the application be approved as applied for, pointing out the fact that this application was approved in June 1967 for Virginia Dynamics. There will be only one freestanding sign, 7' x 7' erected on this property with the applicant's trademark as shown. Granted for three bay rear entrance station as shown on picture presented. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD A. WATERVAL, application under Section 30-6.6 of the Ordinance, to permit erection of office building 20 ft. from Carlyn Hill Drive, NE corner of Columbia Pike and Carlyn Hill Drive, Mason District, (C-G), Map No. 62-1 ((1)) 2, V-1005-68

Mr. Waterval stated that the subject property is exceptionally irregular and steep. But for the existence of dead end Carlyn Hill Drive which only serves as access to Carlyn Hill Apartments, also owned by the applicant, and thus resulting in a corner lot location of the subject property, there would be no side yard required, which is an unusual feature of existing building development on adjacent land.

As shown on the alternate plan submitted with the application, Mr. Waterval continued, substantially the same amount of new rental office space can be constructed within the literal and harsh setback requirements from Carlyn Hill Drive; but the resultant structure does violence and disservice to building design considerations of air, light, and ventilation. Accordingly the strict application of the Zoning Ordinance promotes and encourages the very physical factors contrary to the public intent and not in harmony with the intended spirit and purpose of the zoning law. The applicant's intended development plan expands the main building in the form of an "L" thus permitting maximum open space, air, light, and ventilation, landscaping, and pleasant and interesting environment for the office workers and pleasing appearance to the surrounding neighborhood, as opposed to encouraging an intensely massed structure with undesirable interior offices without outside windows.

Mr. Waterval further stated that but for the extreme front to rear topographic elevation change unique to this site, and the existence of two huge concrete retaining walls already on site (rear of existing building and adjacent to Craven Tire Company on the east) forming the perimeter walls of the underground parking, similar expansion on a different location would be impractical, if not impossible, because at this location the required parking for the new addition is totally in a two level underground garage. Absent this unique topographic condition, the additional parking would have to be in subterranean parking below the footings of the existing building, or in a parking garage surface structure which would be in violation of yard setback requirements, the former being impractical, the latter not being permitted. Therefore the applicant contends that the existing conditions and circumstances of this site are such as do not generally apply to land or buildings.

To compel the strict 50 ft. setback from Carlyn Hill Drive would be of little or no gain to the public, Mr. Waterval continued, when compared with the unreasonable restricted use of the property. Air, light, and ventilation precepts are sacrificed rather than encouraged. Because of the topography and development of land adjacent to the rear, no travel lane or service drive is required or desired parallel to Carlyn Hill Drive (this having been waived by Board of Supervisors in connection with Site Plan #474 on the original building construction). A substantial part of the existing grass, sidewalks and planting areas are maintained along Carlyn Hill Drive. Except for the continuation of the upper three floors of existing building along the top of the existing retaining wall fronting Columbia Pike, there is no change in the line of sight affecting turning movement of traffic off Columbia Pike, Carlyn Hill Drive or either on-site parking lot.

Mr. Waterval went on to say that under his intended development plan there is no increase in the existing height of the resulting building. The finished roof elevation will be approximately two stories lower than the Carlyn Hill Apartments structure. There will be no apparent change in the structure mass as viewed from Craven Tire Company on the east because of its depressed elevation, nor will the

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RICHARD A. WATERVAL - Ctd.

expansion in any manner prejudice the future development of adjoining properties. The requested expansion is consistent with the intense commercial office building development in the neighborhood; is necessary to meet competition and expansion requirements of tenants; and consistent with the purposes of zoning law, to encourage economic development activities that provide desirable employment and enlarge the tax base. While the Zoning Ordinance states that the Board of Zoning Appeals shall not consider any allegation or knowledge of financial hardship or other situations or circumstances on the part of the applicant standing alone, nevertheless the financial impact overall ought not to be ignored by the Board (see Azalea Corporation vs. City of Richmond, 1960, 201 VA 636) if the granting of the variance is in harmony with the intended spirit and purpose of the Zoning Ordinance.

Uniquely, it is the very topography and irregular shape of the site, together with the previously mentioned consideration of air, light and ventilation, and the required parking configuration that establish the size of the new office space addition and resultant shape of the building and resultant minimum setback variance requirement, Mr. Waterval said. In order to economically justify the construction of any underground garage on the site, it must be built as shown. It then follows by mathematical calculation that the number of parking spaces available directly relate to rental space. Since there is a height limitation upward, and air, light and ventilation limitation to the east, the new requested building line in front is both the minimum and maximum resultant.

Mr. Waterval made the following comments regarding the Staff Report of December 9, 1968:

20 ft. variance requirement at property line common with Carlyn Hill Apartments -- Waterval Parcel B, zoned C-G, contains Carlyn Hill Apartments owned by the applicant (25%) tenants in common with Bonnet, his uncle, (applicant is managing partner in control of the property). Waterval Parcel A, zoned C-G, contains subject office building Zoning Regulation 30-1.3.2.4 - Building Group - defined as a group of two or more main buildings (but unrelated types of use) occupying a lot in one ownership and having any yard in common.

The applicant contends that a fair combined interpretation of the three code definitions (Section 30-1.3.2.4, 30-1.4.1, and 30-1.5.6.1) could reach the result that the Parcels A and B viewed together as one lot, i.e., rear setback measured at northern boundary of Parcel B which already provides for 50 ft. yard setback. These two parcels were originally in the same verbatum title status and only divided for mortgage financing and development purposes. Alternatively, a 20 ft. yard variance could be granted by the Board for the reasons set forth.

The existing retaining wall along line common with Olmstead (Craven Tire Company) is in existence and will form an integral part of underground parking garage. Under these circumstances, and the nature of ownership of the surrounding adjacent land, and the critcal distance of depth and width of the planned garage for maximum turning movement of parking vehicles, the applicant requests that the policy be modified to permit the physical walls and columns of the underground garage to be constructed to the property lines. (As a practical matter, wall thickness and curbing will prevent autos actually parking closer than 1 foot).

The applicant requests that its double ramp entrance be permitted as shown in order to facilitate maximum safety of vehicle movement. The entrance as proposed is in excess of 25 lineal feet of travel distance to street exits permitting autos to cautiously view oncoming traffic.

Mrs. Henderson commented that she felt the applicant was trying to put too much on the property.

Mr. Knowlton reported that after the application was underway, the staff found that there should have been a request for a rear yard variance. The building as shown now meets the setbacks.

Mr. Waterval again said that he felt that the property was all one lot. The staff brought up the issue of the so-called rear yard line.

If this were a building complex on one parcel of land owned by the applicant, Mr. Smith said he would agree, but there is a property line because each parcel could be sold separately. He moved that the Board uphold the staff's decision with relation to this being a separate parcel requiring a 20 ft. setback in the rear unless a variance is granted. Seconded, Mr. Barnes. Carried 4-1, Mr. Yeatman voting against the motion.

Mr. Smith stated that at the time he made the motion defining the Board's policy on underground parking, his intent was that there be no structure within 1 ft. of the property line. In this case, since there is a substantial wall which could very well sustain the structure, this is an unusual situation and might justify a variance. However, he had no thought of setting a precedent here in allowing a structure within one foot of the property line.

The alternative scheme requiring no variance is not a good configuration, Mr. Waterval stated. A car coming out of the ramp would have to travel 40 ft. before coming out on the public way.

Mrs. Henderson suggested viewing the property before making a decision, and advertising the rear yard variance for public hearing.

December 17, 1968

RICHARD A. WATERVAL - Ctd.

Mr. Yeatman moved to defer to January 28 for readvertising and for the architect and the applicant and staff to get together to see if they can rearrange the plan. In the meantime, the Board can view the property. Seconded, Mr. Baker. Carried unanimously.

On the notification for the variance application, Mr. Smith said the same people should be notified as in this application.

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Mr. Waterval asked that his question regarding interpretation be deferred to January 14 to see if there are any comments available from Mr. Mauck by that time regarding this situation.

The Board members should read the minutes of the Board of Supervisors meeting granting Mr. Waterval's rezoning, Mrs. Henderson said; the step procedure makes an attractive building but the Board must find provisions in the Ordinance for granting it. Deferred to January 14.

// YOUNG ASSOCIATES, V-711-67, - Request for extension of one month. The Board granted a 60 day extension.

Mrs. Henderson read letters from residents of Springfield regarding the application of Eleven G Amusement Corporation (Super Slide) granted by the Board on December 3 but the Board found no new evidence to warrant a rehearing.

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Letter from Mr. Hansbarger regarding Tysons Regional Shopping Center application requested extension of one year from January 23, 1969. Mr. Baker moved that the extension be granted. Seconded, Mr. Yeatman. Carried unanimously.

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The Board reviewed the proposed applications forms and adopted them with two minor changes. The wording of one sentence was changed to "Applicant or agent must file two copies of the application with all information required on the upper half. The staff will assist if needed in obtaining this information." Also "Photographs showing existing structures, terrain and vegetation are required." If a variance is necessary with a use permit or vice versa, a fee should be charged for both.

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Meeting adjourned at 2:10 p.m.
By Betty Haines

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

January 23, 1969
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 14, 1969 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.

Election of officers for 1969:

Mr. Smith stated that the Board has progressed very satisfactorily and has done an excellent job under the present Chairman's leadership over the past twelve years, and the present Chairman spends more time on the duties of the Board than any other Board Chairman in the County under a similar arrangement. Therefore, he nominated Mrs. Henderson to serve as Chairman for the year 1969. Seconded, Mr. Barnes. Nominations were closed and the vote was unanimous.

Mr. Barnes nominated Mr. Smith as Vice Chairman since he also has done an excellent job as the present Vice Chairman. Seconded, Mrs. Henderson. Nominations were closed and the motion was carried unanimously.

Mr. Smith moved that Mrs. Haines be reappointed Clerk of the Board for 1969 as she has served the Board well and has kept excellent records. She is very responsive to those who seek the Board's records, and the Board is fortunate to have her services. Seconded, Mr. Yeatman. Carried unanimously.

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JOSEPH PROVENZANO, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's office in dwelling (non-resident), Lots 13 & 14, Beverly Manor, 3915 Annandale Rd., Annandale District, (R-10), Map No. 60-3 ((25)) 13 & 14, S-2-69

Mr.Charles Geschickter represented the applicant who was also present.

Mr. Geschickter stated that Dr. Provenzano has practiced medicine in this building for fourteen years and lives here with his family. He has had five children since living in this house and needs more space for them. He would like to move his family and use the present building entirely for office purposes. This would probably mean less use to the neighborhood as at the present time emergencies come in day and night and if he moves away, this would not be happening at night. Office space is at a premium in the Annandale area. From the staff report, the applicant is aware that the current parking is too close to the property line. They would be glad to work out a suitable arrangement on parking with the staff and further screening which will be necessary.

Mrs. Henderson asked Dr. Provenzano how much of a staff he has now.

He has two nurses, Dr. Provenzano replied -- one full time and two part-time nurses. He has an obstetrician who does some of his work. He does not plan to change the way he operates now.

The Ordinance says "not to exceed two physicians and two employees for each", Mrs. Henderson quoted, and it does not say full or part-time.

Mr. Smith pointed out that office hours are limited by the Ordinance from 8 a.m. to 8 p.m. and open only for emergencies at other hours. He felt that a doctor being in the building after 8 p.m., however, would not constitute a practice as they must spend time on their paper work. What are the number of patients who are there in autos at any one time, he asked?

From twenty-five to thirty, Dr. Provenzano estimated. He sees about sixty to eighty patients per day and there might be ten or fifteen cars in the parking lot.

Mr. Smith asked how many parking spaces are marked at the present time.

About twenty-four, Dr. Provenzano said.

Mr. Marrow, resident of property across the street from the doctor's office, said he had lived here for thirty years and has raised his family across from where the doctor lives. He considered it a good thing for the neighborhood to have doctors available in the immediate area. In all this time he has never been interrupted or found any problems connected with the doctor's office.

Mr. William Twitty, living on Bradley Circle, spoke in favor of the application, terming the doctor's office an "absolute necessity". He has never witnessed any activity that might cause problems for the neighborhood.

Opposition: Mr. Frank Gilcrest represented the Broyhill/Citizens Association in opposition. Twelve others were present with him opposing the application.
Mr. Gilcrest read a statement of opposition giving their reasons as follows: The residents fear that when the doctor and his family move away, the neighborhood's pro-

tection will go with them, and the practitioner's interests would no longer be the same when he is no longer their neighbor. Without the family, the dwelling ceases to be a residence and becomes a commercial encroachment in the heart of a residential neighborhood. They feared that parking could become enlarged at the expense of lawn and shrubs, and bright lights could burn at night to illuminate the parking and grounds. Medical machinery incompatible with nearby television receivers might be installed. Mr. Gilcrest urged the Board to find that the establishment of a commercial medical facility in the midst of their homes would be injurious to the harmony and well being of the area, would constitute undesirable "skip zoning" and would be incompatible with good zoning practice.

Mrs. Henderson assured Mr. Gilcrest that the Ordinance is very restrictive about this type of operation and specifically says that there shall be no lighting of signs, parking areas, etc. The number of parking spaces to be provided would be fixed by the Board and could not be increased. The present parking lot would have to be moved over to meet the setback requirements of the Ordinance, and the fact that the doctor would no longer live there does not mean that the operation would have a greater impact on the neighborhood than it does now. This is a permitted use in a residential area.

Scott Whetzel, 7301 Beverly Manor Drive, resident for 18 years, said he opposed the addition for the doctor's office, as he felt that the original building was not justified for one doctor and he felt to enlarge the establishment would decrease property values in the area. Increased traffic would make the neighborhood undesirable.

Mrs. Henderson pointed out that the doctor had testified that his business would remain the same as it is now.

Mr. Smith asked Mr. Whetzel if there were any existing nuisances from the operation.

Mr. Whetzel stated that cars parking along Beverly Manor Drive and there are flood lights on the parking lot at the present time. Lights are on until 10 or 11 p.m. and there is much traffic and noise from automobiles entering and leaving the doctor's office. Also, lights from the doctor's property shine onto his property.

The use is now being conducted as a matter of right, Mrs. Henderson noted, with no controls but under use permit it would be controlled. The parking would have to be at least 35 ft. off Beverly Manor Drive with curb, gutter, sidewalk and storm drainage. The entire corner would have to be improved.

Mr. Whetzel told the Board he feared that granting this permit would open the door to future rezonings. This is a residential neighborhood and they want it to remain such. People have been parking on Beverly Manor Drive many times when the parking lot was filled. The rules in the past have not been enforced and he did not believe they would be in the future.

There have been no regulations in the past, Mrs. Henderson explained, but if this were under use permit from the Board he would have to comply with the Ordinance requirements or his permit would be revoked.

There has not been a time element in the past, Mr. Smith added, and under special use permit there could be no appointments after 8 p.m. except for emergencies.

Under the Ordinance, Mrs. Henderson pointed out, the doctor could enlarge the building and use part of it as an office by right as long as he lives there. Basically the operation is going to be the same as it has been, only he is not going to live in the house.

Mrs. Moore, living on Beverly Manor Drive, was concerned about the limited police protection and feared that storing narcotics on the property with no one there at night would encourage breaking and entering.

Mr. Robert Lyle, 7305 Beverly Manor Drive, stated that he feared the property would not be as well kept as it is with the doctor living on the property. He was also concerned about increased traffic on Beverly Manor Drive.

Mrs. Henderson suggested that it might be possible to restrict access to Annandale Road.

Mr. Geschickter, in rebuttal, said the prime concern of residents of the area seems to be the traffic. It is difficult to conceive, he continued, that people coming to the office would have any reason to proceed down Beverly Manor Drive unless they were residents of the neighborhood. There is currently a driveway to Annandale Road so it might be possible to confine access to the one entrance and keep it off Beverly Manor Drive. Dr. Provenzano is currently operating in an uncontrolled manner and under a use permit he will have screened parking, controlled lighting, and these provisions must be carried out before any site plan is approved. As far as the doctor changing his mind regarding the upkeep of the property after he is no longer a resident, Mr. Geschickter submitted that he would still have every interest in keeping it up. In fact the premises will be better looking with parking moved away from Beverly Manor Drive and screened.

JOSEPH PROVENZANO - Ctd.

In all fairness to Dr. Provenzano, Mr. Geschickter continued, he is a member of the citizens association appearing here today in opposition and he was not notified of a meeting concerning the resolution. As far as lighting of the parking lot, the lighting that exists is on the doctor's house and this will be controlled under use permit. The important thing for the citizens to remember is the fact that a use permit would place very strict controls on the operation and the doctor would have a remedy for most of the complaints voiced today.

Mrs. Henderson inquired as to whether the doctor had thought of having someone live on the second floor of the house as a caretaker.

No, Mr. Geschickter replied, but this is a possibility.

Mrs. Henderson asked if Dr. Provenzano had considered putting an addition on the house for living quarters and continuing to live here.

The last addition was put on about six years ago, the doctor answered, and it still was not adequate.

Mr. Smith suggested deferring final action to see if entrance could be on Annandale Road, to get the staff's feelings on whether this would be practical.

The plat should show the exact location of the driveway and show the parking area of 24 spaces meeting all setbacks, Mrs. Henderson said.

Mr. Smith moved to defer to February 18 for new plats and for the applicant to consult with the staff regarding the access. Seconded, Mr. Baker. Carried unanimously.

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YEONAS DEVELOPMENT CORP., application under Sec. 30-6.6 of the Ordinance, to permit dwelling to remain 47.5 ft. from Stoneham Lane, Lot 15, Clearview Manor, Dranesville District, (RE-1), Map No. 31-1 ((6)) 15, V-3-69

Mr. John T. Hazel, Jr. stated that the application is a result of a surveyor's error where the structure went over about 13 inches. The house is not parallel to Stoneham Lane.

Mr. Smith noted that this is the first mistake they have considered by Mr. Courson.

No opposition.

In the application of Yeonas Development Corporation, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 47.5 ft. from Stoneham Lane, Lot 15, Clearview Manor, Dranesville District, Mr. Smith moved that the application be approved as applied for. The applicant states that this was an error in stakeout and the application meets paragraph 4 of the variance section of the Ordinance allowing the Board to grant variances of this type. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr.Barnes. Carried unanimously.

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ROBERT J. & ROSEMARY FRIEDHOFF, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 10 ft. from side property line, Lot 36, Section 2, Town & Country Gardens, 2402 Carey Lane, Providence District, (RE 0.5), Map No. 38-3 ((20)) 36, V-5-69

Mrs. Friedhoff stated that she and her husband wish to construct a double carport to accommodate a trailer and automobile. They have already put in the double driveway.

A smaller carport could be built and meet the setbacks, Mrs. Henderson said; this application amounts to a personal consideration which the Board is prohibited by the Ordinance from taking into consideration.

Mr. Smith explained that there must be a topographic reason and one that clearly demonstrates a hardship almost amounting to confiscation of the property, which is certainly not true in this case. The applicant is asking for a 24.6 ft. carport and the Board normally limits them to 12 ft. at the most whenever there is a variance involved. This is a new subdivision and there are many other people who have cars or boats that they would like to have under cover. They could have a 19 ft. carport by right.

Mrs. Friedhoff said they had a contract with Blanton & Company to build the carport.

Mr. Smith said he was amazed that they led the applicant to believe he could build a carport of this size -- they should be aware of the setback requirements. In view of this, they should contact the company and ask for a refund. To accept money for construction of something they could not build under the ordinance is not in keeping with the license law. The applicant can have the same thing but it must be five feet smaller.

Mrs. Henderson said in her opinion the application did not meet any of the requirements of the Ordinance for granting a variance. A variance has to be granted due to the topography of the land itself or because the property cannot be utilized without a variance.

YEONAS DEVELOPMENT CORP. - Ctd.

Under the intent of the Ordinance and State Code, Mr. Smith stated, the area available for construction of a carport would eliminate any possibility of a variance even if there were no other place to construct it because they have what is considered a use of the land within the framework of the Ordinance -- they have 19.6 ft. that they can use.

Mr. Baker suggested building a long narrow carport and putting in the trailer first, and then the car. This they could do by right.

No opposition.

In the application of Robert J. & Rosemary Friedhoff, application under Section 30-6.6 of the Ordinance, to permit erection of open carport 10 ft. from side property line, Lot 36, Sec. 2, Town & Country Gardens, 2402 Carey Lane, Providence District, Mr. Smith moved that the application be denied for the following reasons. The applicant has not demonstrated a topographic hardship or hardship as defined by the Ordinance. There is adequate room for a usable carport within the setback area as defined by the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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CECIL LEATHERS, application under Section 30-7.2.10.2.1 and 30-6.6 of the Ordinance, to permit erection of service station 25 ft. from side property line, Lot 20, Poplar Hill Subdivision, Providence District, (C-N), Map No. 59-2 ((5)) 20, V-6-69

When this application came before the Board previously, they did not ask for a variance as they did not think it was needed, Mr. Leathers said. They have found out now that a variance is needed in order to have a canopy and meet entrance and exit requirements.

To the best of his knowledge, Mr. Knowlton said, the adjoining land is in the Annandale Plan for residential uses.

Mrs. Henderson suggested moving the building over 25 ft. and there would be access from Luttrell Road.

If they did that, the engineer said, traffic would be backed up all the time.

Mr. Leathers explained that the bays will be on the side and they need enough room to get around to get into the bays. This will be a colonial station on a matawan layout.

Mr. Smith felt that they could construct a colonial station, three bays, without a variance.

The previous station had no canopy, Mrs. Henderson noted, and asked what was the reason for changing the design.

When they applied before they had not decided what type of station was going there, Mr. Leathers replied, and in going over this with Texaco they felt a matawan station was more appropriate for this site.

Mr. Smith agreed that serviceability of the canopy is good, but in changing the design after obtaining the use permit, this is what brought about the problem. If the normal three bay colonial station had been built there would not have been a problem.

Mrs. Henderson suggested switching the bay entrance to the other side, keeping further away from the residential and moving the building.

The Board discussed the entrance on Luttrell Road and the possibility of closing this entrance since Luttrell is a dead end street.

Mrs. Henderson stated that she did not feel that changing the design of the station was a reason to grant a variance.

Mr. Smith said that having an entrance and exit as close to the corner as proposed was not a good design, however, the engineer said the entrances were designed to meet the Highway Department's criteria.

Mrs. Henderson felt that perhaps the canopy could be removed -- it is very nice but not essential.

Mr. Smith disagreed, saying that if he had to choose between granting a variance or eliminating the canopy, he would grant the variance because the canopy serves a very useful purpose. The original application showed only one pump island.

After taking a survey, they found that two pump islands were necessary, Mr. Leathers said.

Mrs. Henderson asked the engineer, Mr. Harry Black, what he thought about closing the entrance nearest the intersection and moving the building down.

January 14, 1969

CECIL LEATHERS - Ctd.

This would not be a good layout, Mr. Black replied. It seems more logical to have some traffic pull in from Gallows Road and out on Gallows Road. There is not a lot of traffic on Luttrell Road but all the cars would be crossing traffic; if any thought is given to closing an entrance, it should be on Luttrell Road.

Mrs. Barteria, resident on Luttrell Road for two years, said she did not feel the Luttrell Road entrance was necessary. From a residential point of view, she was very much against the Luttrell Road entrance.

Mr.Smith moved to defer to February 18 to give the applicant an opportunity to redesign the station and consider the possibility of closing one entrance on the corner. Also, the Board should view the property. Seconded, Mr. Barnes.

Mr. Berl Erlich, part owner, stated that their option expires before that date, however, Mr. Smith felt that since an application heard earlier today had been deferred to February 18 as being the next earliest possible date, this one should be also. They could get an extension on their option. Carried unanimously.

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TUCKAHOE RECREATION CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit enclosure of existing pool and increase operation from three months to twelve months, 1814 Great Falls St., Dranesville District, (R-12.5), Map No. 40-1 ((1)) 1 & 2, S-7-69

Mr. Dimpfel represented the applicant.

Mrs. Henderson asked if all the things that were supposed to be done when they were before the Board a year ago had been done.

This was deferred until the Harris property was improved, Mr. Dimpfel replied, and the deceleration lane was included in the new site plan submitted a week ago. 230 parking spaces have been developed and this is basically the same plan as the original one. Storm drainage problems have been resolved and they will be paying the entire amount at one time. No set figure has been determined yet because there was no set figure on determining the impervious acre. The second pool is already built and they wish to cover the smaller pool. The filter house will be extended. The problems of ventilation and heating have been gone into very thoroughly and they will have a solid roof with ventilators and louvers to keep cross-ventilation going. In the winter the building will be completely enclosed with removable walls on the north and west sides, leaving this completely open in the summer. This is a laminated transluscent material. Capacity of the pool during winter months will be 100 people at a time. Discussion with other pool operators in the area bears out that a winter operation is different from a summer operation. The building will be 75' x 115' and will go to the edge of the concrete pad. Last summer the most cars that were on the property was in June when they had 171 cars.

They are amending their by-laws with a separate set of rules and regulations for winter operation, Mr. Dimpfel continued, and members will have to pay an additional fee for winter swimming. A lifeguard will be on duty at all times.

No opposition.

In the application of Tuckahoe Recreation Club, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit enclosure of existing pool and increase operation from three to twelve months, 1814 Great Falls Street, Dranesville District, Mr. Smith moved that the application granted on February 13, 1968 be amended to include enclosure of the existing pool as shown on this application; that the club be allowed to operate in addition to the existing summer months to make a year round operation; that attention be given to comments of the staff and that the original motions in relation to site plan, drainage, etc. would pertain to this amended permit as outlined in the motion; all other provisions of the ordinance pertaining to this particular application shall be met. Capacity is 100 people at a time for the winter operation. Seconded, Mr. Barnes. Carried unanimously.

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DEAN K. GOOD, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool 13 ft. from rear property line and 12 ft. from side property line, 6352 Cavalier Corridor, Lot 547, Sec. 5, Lake Barcroft Shores, (R-17), Map No. 61-1 ((11)) 547, V-988-68 (deferred from November 12, 1968)

Letter from the applicant requested that the application be withdrawn.

Mr. Smith moved that the Board recognize the applicant's request and allow the case to be withdrawn with prejudice and that the photographs be returned to the applicant as requested. Seconded, Mr.Barnes. Carried unanimously.

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DAVID D. PHELPS, application under Section 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Pl., Lot 29, Ft. Lyon Heights, 2806 James Dr., Lee District, (R-10), Map No. 83-1 ((4)) 29, V-984-68 (deferred from November 12, 1968)

Mr. Phelps presented a copy of an agreement made with Mr. Gilbert on February 12, 1967. He looked at the property on that day, he said, and gave Mr. Gilbert a retainer fee to hold the land until he could get his lawyer and arrange for purchasing the property. He presented a statement of settlement dated March 2 from Bendheim & Fagelson in Alexandria, and a letter of July 28 from Mr. Feldman. There was also a notice of assessment change due to construction completed dated April 1966. At no time did he realize that this structure was in violation, Mr. Phelps continued, and in the original agreement to purchase, the attorney wrote up "to include rails and windows to go into the garage" which was not quite finished.

If you do not know where Mr. Gilbert is, how are you making payments on the third trust, Mr. Smith asked?

That was paid off early, Mr. Phelps answered, when Mr. Gilbert discounted it to a nominal fee. That was in the middle of 1967.

The court ordered Mr. Gilbert to remove the structure, Mr. Smith said, and there is still a court order to have the structure removed.

Mr. Odin was present in the Board Room on another case, and he said he felt this court order would run with the land -- that Mr. Phelps took the property subject to those conditions and the court might well hold that he has no better position than the former owner of the property; perhaps that is why he is seeking this avenue rather than appealing to the courts.

Mr. Smith moved to defer to February 18 for final inspection of the construction to be sure it complies with the County code. Seconded, Mr. Barnes. Carried unanimously.

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HARRY L. BURKA & ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to rear property line, Lot A, John B. O'Shaughnessy Est. on Seminary Road, Mason District, (C-G), Map No. 61-2 ((1)) pt. 99, V-937-68 (deferred from Nov. 26)

Mr. Dexter Odin appeared for the applicant and reviewed the facts stated by Mr. Guy Farley who had represented the applicant at the previous hearing.

Mr. Smith was still concerned about the access between the two businesses -- this is the same problem that came up originally, he said. The travel lane has to be 22 ft. and must be constructed in compliance with the Ordinance. The real question is -- can the applicant meet the Ordinance requirements between the two businesses? The Board should see a plat showing that the applicant can meet the Ordinance requirements. The original deferral was based on showing the travel lane, and of course if this area for the travel lane were a part of the leased property, then a statement should be given to the Board that the owner has no objection to it. Will the owner agree to such a proposal, he asked?

Yes, Mr. Odin replied. He has quoted the amount and the applicants have no objection. Right now there are thirteen spaces required on this property but under the present situation there would be difficulty in showing only American made car spaces. The parking spaces shown on the plat are standard size.

Mr. Yeatman moved to defer to February 18 for plats showing the proposed travel lane and for the applicants to work out something on the parking situation. Seconded, Mr. Baker. Carried unanimously.

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Mr. Sutton Potter appeared in behalf of Mr. Laux questioning the interpretation of the Zoning Administrator as to the rear line of Lot 9A, Milway Meadows. When the house on 9A was staked out, Mr. Laux told the builder it looked too close to the line. An application was filed for a variance and later someone hit upon the solution of changing the side line and after this was done, the application for variance was withdrawn without prejudice. The correction did not correct it. The violation of the rear yard setback continued. This has been discussed with the County attorney.

The certified plat shows the house meeting the setback, Mr. Smith said.

That measurement runs from the house to the rear line and this is not the measurement of a rear yard, Mr. Potter contended. The measurement of a setback under the Ordinance and the measurement of a rear yard under the Ordinance is a depth measurement between two parallel lines and is perpendicular measurement on Exhibit C. It is not perpendicular to the rear line. The definition of setback line in the Ordinance means a line beyond which a building is not permitted to extend. The yard measurement is the depth measurement, not the distance of a house from the rear line. The existing yard is determined with reference to the house and the distance from the house to the line is not relevant. This mistake was called to the builder's attention before construction started.

January 14, 1969

Appeal from Zoning Administrator's decision - Lot 9, Milway Meadows - Ctd.

Mr. Smith read page 4 of the Ordinance - definition of "lot line, rear" -- "The lot line that is generally opposite the lot line along the frontage of the lot. If the rear lot line is less than ten feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line." As far as he is concerned, the house is constructed in conformity with the Ordinance, Mr. Smith said, BECAUSE THE LOT COMES TO A POINT AT THE REAR.

Mr. Knowlton suggested deferring this matter until Mr. Woodson could be present to defend his interpretation.

Is the house 25 ft. from the property line or is it not, Mr. Smith asked?

It is indeed, Mr. Potter said, and there is no provision in the Ordinance that makes this measurement relevant. The only time that it is relevant is when you have a rectangular lot and the house is placed squarely on it. Then you say your rear setback line is going to be the same as the rear line of the house and at that point you have a perpendicular. By pushing the lot lines away from the house and siting the house on one side and away from the lot line, this gives adequate measurement, but the house can still be sitting 12 ft. away from what is in fact, the rear line. The rear lot line is defined as the line which runs the entire width of the lot.

Then there must be hundreds and hundreds of situations like this all over the County, Mrs. Henderson said.

Mr. Potter asked that issuance of any occupancy permit for this property be suspended until this is settled, however, Mr. Smith objected to this -- the Board does not know how far along construction is at the moment and should not do anything to cause inconvenience to people who might be ready to move in who were not a part of this. He moved to defer to February 18 to view the property and to have Mr. Woodson present.

Mrs. Henderson offered to notify the builder to be present, and Mr. Smith asked that Mr. Ridgeway, the surveyor, be present also.

Mr. Knowlton felt that Mr. Chilton should be aware of the situation also since he processed the subdivision plat.

Motion to defer was seconded by Mr. Barnes and carried unanimously.

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HERBERT & JOSEPH LATSHAW - Requested extension of use permit which expires January 23.

If this is the same use as before (Lum's Restaurant), Mr. Smith moved to grant an extension to July 23, 1969 but if another restaurant wants to use the property, they would have to file another application. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from the Northerns requesting that they be allowed to sell ceramic supplies to their students, promising not to sell to anyone else.

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Mr. Smith requested that Arlington County be contacted regarding the concrete testing company located at 2009 North 14th Street trying to relocate in Fairfax County. This will be considered by the Board on January 28.

The meeting adjourned at 5:30 P.M.
By Betty Haines

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

April 1, 1969
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 28, 1969 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Barnes. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

MEDICAL STRUCTURES, INC., app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home, two story, 250 beds, on S. side of Columbia Pike opposite Larchwood Rd., Mason District, (R-17), Map No. 61-3 ((1)) 1, 2 & 3, S-1-69

Mr. John T. Hazel, Jr. represented the applicant, stating that the Planning Commission had considered the application the night before and there was an agreement at that time to deferral by the Commission to April 21. One of the reasons for deferral was that the County wanted to work out some form of criteria for nursing homes.

In view of unanimous consent for deferral, Mr. Smith moved to defer until after April 21. Seconded, Mr. Yeatman.

Mrs. Henderson asked whether Mr. Rolfs is connected with this application.

He will have something to do with this home under their arrangements, Mr. Hazel said.

Mr. Smith stated that if there is an existing use permit on this parcel of ground it should be withdrawn prior to hearing this application.

Mr. Hazel said this was filed as a separate application at his request as he thought it best to keep the two applications separate.

If Mr. Rolfs is still connected with this application, then perhaps an amendment could be made to the original application, Mr. Smith suggested, however, Mrs. Henderson said she felt this was an entirely new application.

A lady in the audience who did not identify herself said she understood that the original application was for 90 beds.

The original and only full hearing on this case was when 160 beds were granted, Mrs. Henderson stated. The initial request for 90 beds was never heard -- there were two postponements. In April 1963 the Board heard the application and granted 160 beds. People coming into the area since 1963 probably never heard of this before and since this is a new application the opposition should address themselves to the present application.

Another lady in the audience asked if this were to be a welfare nursing home and Mr. Hazel told her it was to be private.

Motion to defer carried unanimously.

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MOBIL OIL CO., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection of addition to service station, SW corner of Arlington Blvd., and Graham Rd., Providence District, (C-D), Map No. 50-3 ((1)) 5E, S-12-69

Mr. John T. Hazel, Jr. represented the applicant, requesting to build an addition.

The original motion granting the station was for a Colonial station, Mr. Smith said, and they built a flat top station.

Mr. Hazel said he did not represent the applicant at the previous hearing, however, a Colonial station on this corner would not have been in keeping with what was built behind it. They now wish to construct a third bay which will meet all County requirements. They have no plans for a canopy.

No opposition.

In the application of Mobil Oil Co., application under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection of addition to service station, SW corner of Arlington Blvd. and Graham Road, Providence District, Mr. Smith moved that the application be approved as applied for. There is an existing two bay service station permitted here by action of the Board on May 11, 1965. It is understood that this addition will be in conformity with the plat submitted showing a 12.4 ft. addition to the existing two bay Mobil gas station. All other provisions of the original use permit shall be adhered to. This is for service station use only. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. If the applicant can find a way to put the doors in the rear, this would be much more desirable, Mr. Smith added - the Board would approve of whatever is the best design. Carried unanimously.

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MOBIL OIL CO., application under Sec. 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection of addition to service station and on rear property line, located on W. side of Chain Bridge Rd. opposite Nolte St., Dranesville District, (C-D), Map No. 30-2 ((12)) 6A, S-13-69

Mr. Hazel stated that the permit for the station was granted April 1960 and the variance was granted at that time to construct to the rear line.

Mrs. Henderson said that in looking at the plat she did not believe the road had been widened in front of this station. The motion in 1960 was that pump islands be 25 ft. from the right of way line and the plat shows them at 25 ft.

Mr. Yeatman suggested remodeling the station and making it Colonial design.

Mr. Lewis, the engineer, said Colonial design would not enhance the appearance of the overall area since it is not Colonial.

Perhaps the tile on this station could be replaced with brick, Mrs. Henderson suggested, up to the blue around the top.

Brick face requires a different type lighting than white tile, Mr. Lewis said, but he agreed it could be done.

No opposition.

In the application of Mobil Oil Co., application under Sec. 30-7.2.10.3.1 and 30-6.6 of the Ordinance, to permit erection of addition to service station and on rear property line, located on west side of Chain Bridge Road opposite Nolte Street, Dranesville District, Mr. Smith moved that the application be approved in conformity with plats submitted and in conformity with the original granting of March 22, 1960 and it should be pointed out that the original service station was granted a variance to construct as indicated by plats submitted. The addition is in line with present construction. The applicant agrees to upgrade the existing facility to more conform to the present standard of construction as set forth by the Board; that portion below the upper strip of blue with Mobil and the horse should be of brick structure and the addition to the building also shall be brick to more readily conform to the existing flat top stations that have been recently constructed by Mobil. All other provisions of the Ordinance pertaining to service stations in Fairfax County shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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HOWARD SEATON, application under Sec. 30-6.6 of the Ordinance, to allow enclosed porch to remain 5 ft. from side property line, Lot 83, Sec. 2, Tyler Park, 7213 Quincy Ave., Providence District, (R-10), Map No. 50-3 ((9)) 83, V-8-69

Mr. Seaton stated that he got his building permit and building plans approved. It was his understanding that the permit and approval of plans gave him authority to enclose the porch which he constructed off the kitchen. It was a misunderstanding on his part and when he received notice of the violation, he stopped work.

This lot is narrower by 10 ft. than required by today's zoning, Mrs. Henderson noted, and if the lot were 10 ft. wider, there would be no problem.

Mr. Seaton added that he purchased the home in 1947.

No opposition.

In the application of Howard Seaton, application under Sec. 30-6.6 of the Ordinance, to allow enclosed porch to remain 5 ft. from side property line, Lot 83, Sec. 2, Tyler Park, 7213 Quincy Ave., Providence District, Mr. Smith moved that the application be granted. The applicant was the original occupant of the house in 1947 and has maintained his home here since that time. He made application for a building permit showing the addition 5 ft. from side property line. The building inspector approved his plans as to construction, materials used, etc. and it met the requirements of the BOCA Code. The applicant was under the impression that this was approved as to setback. The structure was enclosed in conformity with building plans submitted. This appears to be an error under paragraph 4 of the variance section of the Zoning Ordinance, therefore the application should be approved and allow the applicant to complete the structure as shown on the plats and photographs in the Board records. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried 4-0.

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The Board at this time was ahead of the scheduled agenda. Mr. Smith questioned the large Esso signs at Columbia Pike -- Seven Corners and Tysons Corner. How did they get there, he asked?

Mr. Woodson said he had checked the BZA minutes and nothing was mentioned in the motions prohibiting these signs.

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Signs - Ctd.

Mr. Smith said he thought there was a clear understanding that there would be no more of these large signs. If a station is under use permit and wants to add large signs which were not a part of the original motion, they would have to come back to the Board before they could put these large structures on the site.

The Ordinance limits anything under use permit to not more than a 24 sq. ft. sign, Mrs. Henderson said.

The County Attorney warned them that they could not enforce this in these cases, Mr. Knowlton stated. There is nothing in the Board requirements for the sign to be shown at the time the request comes before the Board. We have just considered two Mobil applications, he said, and nothing was said about signs. The Board did not limit signs 1 1/2 or two years ago and there are stations still in the process of opening that have not been touched as far as signs are concerned. The time lag is due to getting development plans, etc. approved.

Mr. Smith still contended that no service station under use permit should install a large sign which is a structure without coming back to the Board.

If the Board specifically mentions signs in the motion, this can be controlled, Mr. Knowlton said, but if nothing is mentioned in the motion the staff refers to the Ordinance regarding signs.

Aren't the statements made by the applicants binding, Mr. Smith asked?

No, only the motion, Mr. Woodson and Mr. Knowlton said.

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HENRY LODGE #57, application under Sec. 30-6.6 of the Ordinance, to permit erection of building closer to side property line than allowed by Ordinance, (72' x 30' building), Lots 4 & 5, pt. 2 & 3, Sec. 4, Fairfax Acres, Providence District, (RE 0.5), Map No. 47-3 ((3)) 4 & 5, pt. 2 & 3, V-9-69

Mr. Harry Conte, member of the Lodge building committee, represented the applicant. The building committee was not appointed until after they got the permit for the building he said. Because of certain requirements in the design of the lodge room itself and the fact that they are held to certain specifications, they came up with a room that was only 28 ft. wide by 30 ft. long which was entirely too small. Then in trying to keep with the setbacks of 100 ft. they found that they could put a 15 ft. addition on the other end, but they are still held pretty close to the width. They have tried to turn the building but this will not work. If they cut off one corner, they could meet the 100 ft. setbacks.

The building was shown just barely fitting on the lot before, Mrs. Henderson said -- how could you move the building and not be out of line somewhere? She said she could not understand why they did not know their requirements when this originally came up.

If he had been on the building committee then they would not be here now, Mr. Conte stated. The master of the lodge went to the surveyor, Mr. Wilburn, and asked to get a plat for obtaining a use permit to erect a building.

The surveyor put on the size building that would fit on the property, Mrs. Henderson said, and it was in conformity with the Ordinance. The attorney was here at that time. She did not approve of getting a permit on a building not requiring a variance, and then coming back for a variance later on, she said.

This is an irregular shaped lot, Mr. Smith said, and construction is restricted for this reason.

This is purely and simply a case of too much building for the lot, Mrs. Henderson stated -- no topography situation at all. Couldn't they build a two-story building?

No, they would still have the same problem, Mr. Conte said. They are held to certain doors and protrusions in the room which affect the interior size of the room. They have between 30 and 35 people at the most attending their regular meetings. They have seating on either side of the room. The building will only be 30 ft. wide and after the walls are put up it will cut down the size to 28 ft. They have to have the width in the center. They cannot buy land off the adjoining lot because if they did, it would violate the Ordinance requirements by being too small.

Opposition: Mrs. Eugene Albrecht expressed fear that the meetings would be larger than anticipated and cars would be parking along the street. She said she would also like to see put in the motion that the building would only be used four times a month.

This would be too restrictive and arbitrary, Mrs. Henderson said. However, if there were any violation regarding parking, it could be brought to the Board's attention, and if it is a persistent violation their permit could be revoked.

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HENRY LODGE #57 - Ctd.

Mrs. Henderson also pointed out that though the plats showed 59 parking spaces, 75 spaces were actually required by the Board in their motion.

At the last meeting, Mrs. Albrecht said, the applicants were asked if the property would be fenced or left open for children to play on the blacktop. She would like it cleared up -- could the children play on the property or will a fence be put up?

Mr. Smith said he suspected they would allow the children to use it, not on a permitted basis, but nobody would bother them as long as there were no vandalism. They would be reluctant to give permission for them to use it because if a child got hurt the Lodge might be held responsible. This should be left up to the officers of the Lodge but it has always been his experience that this particular order is always very active in youth activities.

Would this building be used for Eastern Star meetings, Mrs. Albrecht asked?

It is understood that the wives will be able to utilize the building for their organizations -- this is a part of the Order itself, Mr. Smith said.

Mrs. Albrecht urged the Board to set a time limit on the hours of use.

Mrs. Eva Moody endorsed statements made by others in opposition and added that she has no personal objection to the Masonic Lodge but wanted to keep the area in small private homes.

Mr. Charles Elkins presented a petition in opposition signed by 45 people all opposed to any change in the permit that was originally given. This application is incompatible with the neighborhood, would mean loss of off-street parking spaces; and would be detrimental to the surrounding community. If the proposed building is larger, this would mean that perhaps 75 parking spaces required by the Board are not adequate. Would the existing screening be retained or would it be removed to provide more parking area if this is granted, he asked?

The motion said 50 ft. of natural screening would be left along Oak Place and 25 ft. around the other property lines, Mrs. Henderson said.

Mr. Elkins requested that a time be placed on the use of the building -- not later than 10 p.m. -- to preserve the residential character of the neighborhood. Also, he asked that the property be fenced so as not to be used by neighborhood children on bicycles and motorcycles. Had the Board known at the beginning that such a large building was needed, perhaps they would have found at that time that the land was not suitable for this building, he suggested.

Mrs. Gardner endorsed what was said by previous speakers opposed to enlargement of the building and stated that she lives at Burroughs Avenue and Oak Street.

Mr. Conte referred to land in the City of Fairfax which was recently zoned for town houses, and the Holiday Inn planned to go in across the street. This building will be compatible with the uses in the area. The building will not be rented out. The total membership will never be on the property at the same time. The Masons meet five times a month; once or twice a month the Job's Daughters meet, and the Eastern Star meets two times a month. The proposed addition is to handle the sanitary facilities, furnace room and storage. The Fire Code will govern the number of seats which will be between 60 and 65.

Mr. Elkins has a strong point about the Board probably not granting the application before had a variance been involved, and she was not going to vote for this application today, Mrs. Henderson said. This is not a suitable place for the lodge; the lot is not big enough and the irregular shape has nothing to do with it in this case. The reason for this size building is a matter of personal concern as far as the Lodge is concerned. They should have a piece of land large enough to meet their needs or cut the building down to fit the lot.

Mr. Smith said he did not feel this was over-use of the land as three residences could be built on the property if they had the proper lot width. This is more than 1 1/2 acres of land and the building coverage is very minor in connection with this due to setback requirements. However, he was concerned about 75 parking spaces not being adequate.

Mr. Yeatman moved to defer to March 11 to give an opportunity for the applicant to draw on at least 75 parking spaces; perhaps they could fit 100 parking spaces on the plat and maintain the setback. Seconded, Mr. Smith.

Mrs. Henderson said she would vote for deferral for new and correct plats but would vote against the variance when it comes up again. Carried unanimously.

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WALTER SINGLEVICH, application under Section 30-6.6 of the Ordinance, to permit open carport to be enclosed 11.1 ft. from side property line, 6705 Bracken Court, Springfield District, (R-12.5), Map No. 89-2 ((4)) (3) 45, V-10-69

Mr. William Buckner stated that the applicant wishes to enclose the existing carport to make a garage and he needs a .9 variance. This will not be used as living quarters.

Mrs. Henderson could find nothing in the Ordinance to allow the Board to grant this application.

Mr. Smith suggested that it could be granted based on general health and welfare of the people living there.

This term in the Ordinance means the general health and welfare of the population, not the individual, Mrs. Henderson said. The term "general" refers to the population. She said she did not know how enclosing a carport adds to the health and welfare when thousands of people all over the County get along without them. This is a strictly personal situation. How many other enclosed carports are in the area, she asked?

Mr. Buckner did not know. The house was constructed in 1960, he said, and these are the original owners.

No opposition.

Mrs. Henderson referred to the many times the Board has had requests to build new garages which required a variance and have told the applicant he could have an open carport by right and denied the request for the garage.

This is a very unusual situation, Mr. Smith said. The majority of the structure meets the side yard requirements and it would be unreasonable to deny the request.

Mrs. Henderson objected to the Board arguing the case for the applicant.

This is a completely different situation from the small lot which does not meet today's standards -- this is larger than an R-12.5 lot, Mrs. Henderson said. There is an existing two car carport and this is not being expanded because the family needs the living space -- this is strictly a matter of personal consideration. If the structure did not already exist and there were a reason to get the cars under cover they could build this carport by right but to enclose this is a different situation and is inconsistent and contrary to the terms of the Ordinance.

The lot is narrow at the building restriction line, Mr. Smith said, and there is no evidence that this would adversely affect anyone. It is for the benefit of the property owners. This is a very small variance.

No opposition.

In the application of Walter Singlevich, application under Section 30-6.6 of the Ordinance, to permit open carport to be enclosed 11.1 ft. from side property line, 6705 Bracken Court, Springfield District, Mr. Smith moved that the application be approved as applied for. The applicant's agent states that this is for a garage only and is not to be used for living purposes. There is an existing carport constructed at 11.1 ft. from side property line measured at the front of it. The rear portion of it and one half of the structure is in compliance with the 12 ft. requirements. Seconded, Mr. Yeatman. Carried 3-1, Mrs. Henderson voting against the motion. This request amounts to a personal consideration which cannot be considered by the Board under the Ordinance.

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CHARLES AWRET, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.8 ft. from rear property line, Lot 262, Section 4, Pohick Ests., on LaGrange Street, Lee District, (R-12.5), Map No. 108 ((2)) 262, V-11-69

Mr. Fagelson represented the applicant. This was an unfortunate mistake made when staking out the house, he said and it was not discovered at the time of the wall check. As the Board knows, in many of the subdivision houses the floor plan is the same and the outside is the same except when the house is reversed. In this particular case the superintendent assumed that the entrance should be closer to the driveway so he laid the house out to the right rather than the left. The error was not discovered until the cantilever was put on. They tried to correct it by shifting the line of Lot 260 but found that it would cause an encroachment if they did. The line between Lots 260 and 262 goes at a very abrupt line. If the line were straight there would be no problem. The subdivision was approved with a cul-de-sac and the houses would have fit with no real difficulty had not the superintendent changed this around, and were it not for the cantilever there would be no encroachment. The superintendent is no longer with the builder as he was not careful enough.

No opposition.

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CHARLES AWRET - Ctd.

In the application of Charles Awret, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.8 ft. from rear property line, Lot 262, Section 4, Pohick Estates, on LaGrange Street, Lee District, Mr. Smith moved that the application be approved as requested and as shown on plat submitted. The application should be found in compliance with Sec. 30-6.5.4 of the Ordinance giving authority to grant variances for construction due to an error in the layout of the house. Seconded, Mr. Yeatman. Carried 4-0.

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WILLIAM H. ADAMS, application under Section 30-6.6 of the Ordinance, to permit erection of garage 2 ft. from side property line, Lot 2, Block L, Section 6, Sleepy Hollow Woods, 4004 Moss Drive, Annandale District, (R-12.5), Map No. 60-4 ((16)) 2, S-14-69

Mr. Adams stated that he wished to build a garage to solve a drainage problem which he has now. He has a straight in driveway with the house on one end and a 6 ft. retaining wall at the end on the other side and surface water stands in the area, freezing and thawing, which has heaved the concrete about four inches. In addition everyone else's leaves blow into this area. They have considered an open carport but they would still need to bring the roof out over the open area; it is the surface water that is coming in and doing the damage.

In answer to a question from Mr. Smith, Mr. Adams replied that he did have a garage but it had been turned into a recreation room. He bought the house about two years ago and was not aware of the drainage problems then.

No opposition.

This situation is general throughout the area, Mrs. Henderson said; there is nothing unusual pertaining to this lot which does not pertain to other lots in the area. The lot is just not big enough.

Mr. Smith moved to defer the application of William H. Adams to March 11 in order for the applicant to try to work out a more reasonable solution. To grant a variance of this extent would not be in keeping with the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

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RICHARD H. STOHLMAN, application under Sec. 30-7.2.10.3.8 of the Ordinance, to permit erection and operation of automobile dealership, SW side of Route 7 approximately 2200 ft. NW of Tysons Corner, Centreville District, (C-D), Map No. 29-3 ((1)) 38, S-15-69

Mr. Ralph Louk represented the applicant who was also present. Stohlman Chevrolet is presently doing business in Georgetown, Mr. Louk stated, and they have purchased this property at Tysons Corner for their permanent location. They will be selling new cars, used cars, trucks, and this will be enclosed. They will also have bays for repair. This is an excellent location for a facility of this type and an excellent use. The plan submitted to the Board indicates that traffic will come onto Gosnell Road which has just been accepted by the State, with a service drive in front of the property along Route 7. The Planning Commission, by unanimous vote, approved this application last week.

The Board discussed the number of parking spaces to be provided on the property; Mr. Yeatman suggested 100 spaces for used cars.

The land contains over six acres, Mr. Louk stated, and his experience has been that the entire property is used for parking other than the building -- there is plenty of room for parking.

Is the entire property to be paved, Mr. Yeatman asked?

Yes, it would only be a matter of painting on the lines, Mr. Louk replied.

In regard to the subject of the number of employees, Mr. Stohlman stated that Chevrolet is projecting they would sell the same amount of cars in this location, about 1200 cars a year, with 60 employees.

Some area should be set aside for employee parking, Mr. Smith said, and perhaps fifty spaces would serve sixty employees.

Mrs. Henderson felt that 200 parking spaces for service, visitors and employees would be adequate to start with and they could increase the parking if necessary. There should never be any parking on Leesburg Pike or Gosnell Road.

The Board discussed parking further and agreed that 210 parking spaces should be provided for other than new cars.

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RICHARD H. STOHLMAN - Ctd.

No opposition.

This building would be of architectural cinderblock, all one story, with mostly glass show room, Mr. Louk told the Board. There is a slope in the back and if it proves to be more economical, then maybe a half-story in the back.

Mr. Smith asked about signs proposed on the property.

Chevrolet has a new program now, Mr. Stohlman stated, of a standard type of sign. It would be roughly the same type of sign that the Ford place in Tysons Corner has, a sign flush-mounted on the building with the name on it, and one freestanding Chevrolet sign. They would like to have it visible from Route 123 if possible. The Zayre sign is visible from Route 123 and the Dart Drug sign is also. General Motors has recently gone into the sign identification program and their colors are blue and white - these are not neon signs. Ford and Chrysler have been on the sign identification program for some time. In this case there would be the Chevrolet identification with Chevrolet and Stohlman at the top.

Without knowing the existing sign situation between this location and Route 123, Mr. Smith said, he was hesitant to require the applicant to lower the sign below the 40 ft. limit. The Ordinance allows a 40 ft. height for signs but this should be limited to one freestanding sign. He would like to leave the sign question open until Mr. Knowlton has had an opportunity to review the site plan and existing permits for signs to be erected in the area. The Board should see if they can lower the 40 ft. height to keep this sign as low as possible but there is no intention of holding up the permit.

In the application of Richard A. Stohlman, application under Section 30-7.2.10.3.8 of the Ordinance, to permit erection and operation of automobile dealership, southwest side of Route 7 approximately 2200 ft. northwest of Tysons Corner, Centreville District, Mr. Smith moved that the application be approved with the following conditions: that the applicant be allowed to erect and operate a dealership in compliance with the Ordinance and as outlined on plats submitted to the Board in detail; that there be 210 parking spaces for employees and customer parking; this includes the customer storage parking (the normal storage while vehicles are being serviced by the dealership); that the building be constructed of material basically architectural cinderblock; the screening and fencing will be in compliance with the County Ordinance and meet the requirements of site planning; only one freestanding sign which has been discussed will be allowed, in size and height to comply with the ordinance, however, if the signs in the area are below 40 ft., the height allowed by the Ordinance should be lowered in compliance with the general overall signs allowable in the Tysons Plaza area to bring signs down as much as possible. Seconded, Mr. Yeatman. Carried 4-0.

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WAKEFIELD CHAPEL RECREATION ASSOCIATION, application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community swimming pool, bath house, tennis courts and parking area, and to permit Fairfax County stockade fence to be located on north property line in lieu of the required 12 ft. property line. Also to permit deletion of required planting. This variation is being requested because of land adjacent to the property line being heavily wooded with pine trees. Located E. side of Wakefield Chapel Rd., approx. 350 ft. south of Toll House Road, Annandale District, (R-17), Map No. 70-1 ((1)) 16, S-16-69

Mr. Francis J. Hanes represented the applicant, a non-profit corporation organized last year by residents of the community. This is not within a subdivision, he said. The desire for a swimming pool in this area, a desire of the residents which was not accommodated by the builders, began in 1966 when Chapel Square Citizens Association established a committee to look into setting up a non-profit corporation, Mr. Hanes continued. They have sold 200 memberships thus far and anticipate having a total of 500 memberships when the pool is completed. Due to a flood plain problem, they are locating the pool on the highest portion of the site, leaving a heavily wooded area along the north property line. The Association has not decided what to do with the dwelling now on the property -- if it is economically feasible they will keep the house and rent it out, eventually tearing it down or using it as a club. Someone is living in the house at the present time.

Mr. Smith noted that this was an unusual situation, having a rental property in the middle of a special permit area.

Mr. Hanes stated that they were reluctant to tear the house down; they would like to retain title to it and rent it. Circumstances may compel them to sell the house and the tract around it.

If you sell this parcel of land, this would have direct effect on this application based on where it is located, Mr. Smith said. If there is any thought of not removing this house within a period of time it should be removed from the application.

If the house is going to be rented it should not be a part of the application unless the person living in it was the caretaker of the pool, Mr. Smith said. If the house is not going to be used for recreational purposes, it really has no business in this application for recreational uses.

It seems they could exclude this piece as long as it remains in the same ownership with an easement across it to get to the parking lot, Mrs. Henderson suggested.

The applicant's engineer stated that this is a flood plain area, no trees, and not a very attractive parcel. They had originally intended to have all the parking in the flood plain but they were concerned about the possibility of loss of the parking area during a heavy storm. They are running on a tight schedule hoping to get the pool open by this summer but would like to continue their investigation to see whether it is possible to pipe Turkey Run through this property so they could park there safely. They would like to reserve the area along the stream as picnic area.

There are not enough parking spaces shown on the plat, Mrs. Henderson pointed out; the ratio is 1-3.

He was told it was 1-4, Mr. Strang said; many will be walking to the pool.

Parking should be planned in an area where it could be installed, Mr. Smith stated, and not in a flood plain. They could utilize the flood plain for recreational purposes. Have you discussed with Public Works whether they will allow you to pipe this, Mr. Smith asked?

No, Mr. Strang replied, it is going to cost a lot of money to have an engineering study done to determine whether they can do it.

If the permit is granted today, it will be granted based on what is shown on this plat now, Mr. Smith said, and if there is any change it would have to come back to this Board for amendment to the permit.

Mrs. Henderson read a letter from the Chairman of the Fairfax County Beautification Committee requesting that the site plan be drawn so as to avoid unnecessary cutting of the trees.

The engineer stated that the trees were shown on the plat and they will save as many as possible. A few might have to be cut because of the grades.

Mr. Hanes stated that the trees are the beauty of the site and they would be quite willing to work with the Committee on saving them.

Mr. Smith said he felt the house on the property should be removed to make room for necessary parking.

Mrs. Henderson suggested delaying construction of the tennis courts and eventually put them where the existing house is.

Mr. Albert Johnson, President of the Chapel Square Citizens Association, stated that their association formed a committee to look into the possibility of putting in a pool. This area is within walking distance of 400 - 500 homes. This was an exhaustive search to find this property. Everyone in this immediate area felt that this was within walking distance. Relocation of Wakefield Chapel Road is another thing which will take place and enhance the walking conditions of children to the pool in the summer time. On behalf of the 160 homes in that area, he spoke in favor of preserving the house to be used for community purposes.

If this house is to be used for community purposes, the Board would have to know the specific uses, hours of use, etc. Mr. Smith said, and the house would have to be inspected by the County departments before it could be used.

Mr. Johnson stated that the garden club might like to hold meetings there, the Cub Scouts, and it could be used in conjunction with activities of the recreation association in the summer.

Mr. Verlin Smith of Farms & Acreage represented the owners of the property, speaking in favor of the application. Recreational uses are needed in the area and this would be a wonderful way of preserving the very beautiful old trees on the property. This would be an asset to the community. The house on the property would be an ideal meeting place for Boy Scouts, etc.

The Board has never before had a rental house included in a special permit application, Mr. Smith said, and he did not believe the Board was justified in granting this use. This house should not be in this use permit at this time -- the applicants could come back later and amend the permit to include whatever uses they

propose to make of it.

The house is an essential part of the overall operation, Mr. Verlin Smith said, and it could be made to conform to the Fire Code. It is a very integral part of the overall recreational development.

They can do that in the future if they put proper metes and bounds on the property and record it, Mrs. Henderson said, and rent it if it is removed from the application.

No opposition present.

There were rumors last spring that something was in the offing, Mrs. Henderson said, and three letters of opposition were sent to the office. She had telephoned these three people and this is not where they had thought it was going to be, therefore they are no longer in opposition.

A telegram was received from Mr. Henry Hobek asking deferral or denial of the "rezoning", which Mrs. Henderson pointed out was not a "rezoning" but a special use permit.

Mr. Hanes said they did not know Mr. Hobek -- he has not been in contact with them. The property was posted and advertised. The Corporation is concerned about getting the pool started and getting the necessary parking. They are not ready to use the house now.

If the Board were to grant a permit based on the planned recreational facilities with the understanding that the parking would be provided (165 spaces), would you have a plat made up to show the deletion of the house and the area around it, Mr. Smith asked?

Mr. Hanes agreed that this would be done.

17,000 sq. ft. should be left with the house and it should meet all setback requirements, Mrs. Henderson added.

Mr. Verlin Smith asked if it would be reasonable to request that the pool be allowed to operate with fewer parking spaces until they get their full membership and need more parking.

Mrs. Henderson said she had no objection to limiting membership to 350 and at some future date if they have the facilities and area to handle parking for 500 members, they could come back to the Board and increase their membership.

In the application of Wakefield Chapel Recreation Association, application under Section 30-7.2.6.1.1 of the Ordinance, east side of Wakefield Chapel Road, approximately 350 ft. south of Toll House Road, Annandale District, Mr. Smith moved that the application for erection and operation of community swimming pool, bath house, tennis courts and parking area and to permit Fairfax County stockade fence to be located on north property line in lieu of the required 12 ft. be granted. That the part of the application requesting deletion of required planting be left to site plan. The trees should be left in conformity with the request of the Beautification Committee basically as outlined on the plats submitted with the application; that there be 375 family memberships allowed with 125 parking spaces provided in the required setback area; that this use permit will cover only that portion of the planned recreational area within this six acre tract and the house as outlined 74 ft. from Wakefield Chapel Road will be deleted for the time being. This is in conformity with the plat submitted deleting the house 74 ft. from Wakefield Chapel Road in conformity with the conversation by the applicants. If at any time the membership exceeds 375 the association will request an extension of the use in terms of family memberships and provide additional parking at a ratio of 1-3. The lease line of property to be removed from the special use permit should allow the house to meet the setback requirements of R-17 zoning. (The studio shown on the plat is the structure which will be removed from the use permit). All other provisions of the Ordinance pertaining to this application shall be met including site plan and recommendations of the staff. Seconded, Mr. Yeatman. Carried 4-0.

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EARL A. HANCOCK, JOAN L. HANCOCK and/or JOHN E. ROACH, JR. & ELEANOR E. ROACH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit for maximum of 90 children, (kindergarten and day care), 4616 Ravensworth Road, Annandale District, (R-10), Map No. 71-1 ((1)) 63, S-21-69

Mr. A. L. Brault represented the applicants. This application was heard last February and a permit was granted for the operation of a day care center with a maximum of 25 students, he said. In improving the property, the improvements that were made in order to comply with the Health Department and State requirements, etc. it was necessary to put in facilities that would accommodate 60 children. In addition, the need became quite apparent; the applications poured in. It was for that reason that they came back last summer and requested the Board to extend the permit to provide a maximum of 60 children. After getting that permit the operators of the school were most anxious to accommodate the families in the area that desired the facilities of the school. They found that in complying with the requirements

of the State department of welfare that the existing structure will not accommodate more than 45 children so that in order to be able to make use of the use permit they have now it is necessary to build another structure. They now have within the structure facilities to serve the number of children they ~~they~~ hope to have. They have put in a commercial kitchen, plumbing facilities, and a fenced area to accommodate 90 children and the plan which they have submitted will actually require very little changes in the existing site plan in order to provide parking facilities, entrance and exit facilities to accommodate 90 children. At the present time Mrs. Roach has applications for 71 children. They made a survey of the schools in the area and found that they are operating at capacity.

Is there any reason, Mrs. Henderson asked, why the proposed addition could not be put on the side rather than where it is proposed to be put?

They do not wish to offend the Hope Lutheran Church, Mrs. Roach said, but they are amenable to putting the addition anywhere the Board wants. The proposed addition will conform to the present construction which is brick and concrete with aluminum siding. They have decided to blacktop all the way to the fence -- there will be plenty of room for more parking.

There are nine parking spaces shown on the plat, Mr. Smith said, and the applicant should be able to provide two more at this time, with more parking at any time it might become necessary.

No opposition.

In the application of Earl A. Hancock, Joan L. Hancock and/or John E. Roach, Jr. and Eleanor E. Roach, application under Section 30-7.2.6.1.3 of the Ordinance, to permit extension of use permit for maximum of 90 children (kindergarten and day care) 4616 Ravensworth Road, Annandale District, Mr. Smith moved that the application be approved as applied for, according to plats presented. There shall be a minimum of 11 parking spaces set forth in the site plan for the increased use on this lot. This is an application to extend a use that was originally granted by action of the Board February 27, 1968 and further extended June 11, 1968 increasing the number to a maximum number of 60 children and setting forth other provisions to be maintained. All other provisions of the granting of February 1968 and the extension of the use permit June 1968 still pertain. The only change is in the additional number of students and increased parking spaces. Seconded, Mr. Yeatman. All other provisions of the Ordinance pertaining to this application shall be met. Carried unanimously.

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DEFERRED CASES:

ROSA M. WICKLINE, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, Lots 36, 37, 38 and 39, Bryn Mawr, Dranesville District, (C-D), Map No. 30-2 ((9)) 36, 37, 38 & 39, S-989-68 (deferred from November 26, 1968)

DR. WILLIAM D. SWARTZ & GORDON DAVIS, application under Section 30-7.2.10.2.6 of the Ordinance, to permit erection and operation of small animal hospital, part Lots 17, 18, 19 & 20, Bryn Mawr, Dranesville District, (C-D), Map No. 30-2 ((9)) 17, 18, 19 & 20, S-1002-68 (deferred from November 26, 1968)

Mrs. Henderson read the Planning Commission recommendation on these two cases recommending that action be deferred to March 11, 1969. The first phase of the McLean 701 Plan is to be unveiled to the McLean community on February 5, 1969, and it is felt that deferral to March 11 would be in the best interests of the imminent plan.

Mrs. Henderson read two communications -- one from McLean Business & Professional Men's Association requesting deferral until completion of McLean planning effort, and the other one from the planners -- Simons & Simons, saying that they did not see a conflict of use or any undue hardship. Both parcels are large enough to provide required off-street parking and suitable ingress and egress, however, based on their studies of the McLean area as it now stands, there are problems which these two proposals would create; they are both directly in line of the proposed Old Dominion By-pass. Actually, construction of this by-pass has not been scheduled but they feel that to ignore this new alignment at this time would be a mistake. On the other hand, prohibiting development until such time as the right of way is needed could also be a mistake. Therefore a possible solution would be to issue special permits with a time limit placed on them, with option for renewal and this would allow the use of the ground until such time as new plans are accepted.

The Board agendas are completely filled for February, Mrs. Henderson said, and out of courtesy to the people of McLean who have spent their own money on this study, and this has approached the point where it behooves everybody involved in this piece of land to give this a look, it is reasonable to defer to March 11.

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ROSA M. WICKLINE & DR. WILLIAM D. SWARTZ & GORDON DAVIS - Ctd.

Mr. Hansbarger said he did not agree with deferral -- there should also be a feeling of courtesy to the owners involved as well as the people of McLean.

Mr. Smith moved to defer to March 11 and no more deferrals will be granted. The Planning Commission should be so notified as this is deferred at the request of the Planning Commission. Seconded, Mr. Yeatman. Carried unanimously.

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THOMAS W. NEWTON, application under Section 30-6.6 of the Ordinance, to permit erection of building 50 ft. from highway right of way line and on rear property line, easterly side of #95, N. of Lorton Road (#642), Lee District, (I-G), Map No. 107 ((1)) 62A, 62B, 76, 76A, V-735-67 (deferred from November 26, 1968)

Letter from Mr. Richards requested that the application be withdrawn without prejudice to the owner of the property, estate of Ira Devonald. Mr. Newton's contract to purchase the property has lapsed and the estate has no present plans for the property.

Mr. Smith moved that the application be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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RICHARD A. WATERVAL, application under Section 30-6.6 of the Ordinance, to permit erection of office building 20 ft. from Carlyn Hill Drive and to the rear property line, northeast corner of Columbia Pike and Carlyn Hill Drive, Mason District, (C-G) Map No. 62-1 ((1)) 2, V-1005-68

Mr. Waterval stated that he had taken the Staff comments, the Board's comments and had revised his plats. He presented revised plats to the Board.

Before getting started with the hearing, Mrs. Henderson advised the applicant that from now on he should send any correspondence regarding his cases to the Board members at their homes as there was a letter withdrawing the interpretation on the Seven Corners building which she had never seen and she had spent hours studying the Ordinance about what her interpretation was going to be.

Mr. Waterval stated that Scheme B was not desirable even though it could be built without any variances, because all the existing outside windows in the rear of the existing office building would be blocked off by masonry wall of the addition, cutting off light and ventilation. Secondly, all existing open space and landscaping would be eliminated and substituted by parking lot surfacing and building structure. Plan B is what they would like to build which is a different situation from the original proposal. Substantially, all of the existing landscaping and green space is left undisturbed and only six of the eighteen existing rear windows are blocked by the new structure. The 20 ft. rear setback adjacent to the Carlyn Hill Apartments is maintained without a variance. The underground parking entrance where the plat says existing retaining wall is set back from the property line consistent with Board policy. The underground parking garage remains 1 ft. distance from all property lines, again consistent with Board policy, except where it is adjacent to the existing retaining wall. The overall square footage of office space with the new addition as shown on the revised plat has been reduced approximately 10 per cent from the original application and shows 16 more parking spaces for the additional office building than required by the Code. They are providing 30 per cent more than what the Code requires and building exactly the same size garage and reducing the size of the office space.

Because the topography is steep with front to rear slope, Mr. Waterval continued, and because of the trapezium shape of the property, this construction will not violate the existing policy of light, air, ventilation or line of sight.

Mrs. Henderson felt this was putting too much on the piece of land.

Although Carlyn Hill Drive is for all intents and purposes under public ownership, it serves only one use -- access to his own apartments. If this land were not on the corner, there would not be this setback, Mr. Waterval said.

Do you own the apartments on both sides, Mrs. Henderson asked?

No, the Housing Authority owns one, Mr. Waterval replied, but when they got their zoning and site plan there was a specific condition made for them for access onto Carlyn Hill Drive. There's a curb cut there but since the day that was given, there has been a concrete bumper guard put along there to prevent access. There is no possibility of this being cut through. Behind this is the Klein subdivision, a long sliver of land with seven lots and a dedicated road running through the middle of it in seven different ownerships.

Mrs. Henderson asked Mr. Waterval where the people working in the building would park while the underground garage is being excavated.

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Construction is only a temporary situation, Mr. Waterval said, and only 21 of the 50 existing spaces would be disturbed by the construction. The garage would be immediately available for use by the tenants while the office space is being built. In the interim period, 90 to 120 days from actual start of construction, they can park in the 110 apartment spaces.

Mr. Knowlton stated that Mr. Waterval in connection with site plan was to construct a travel lane if and when the County got the easement but there never was any attempt by anyone to acquire that; recommendation of the staff notes that it be a condition that this easement be pursued.

Mr. Waterval reinstated his commitment that he made to the Board of Supervisors to construct and pay for the costs of the service drive at such time as the easement for right of way is made available but he said he was afraid of going beyond that. They will tear up the existing parking in the back, excavate under that, and replace it giving probably the same appearance afterward. The purpose of setback requirements is basically and fundamentally set forth in the Code for light, air and ventilation and preservation of green space and open areas, and Mr. Waterval submitted that to permit him to do what he is trying to do would not violate any of these principles; to compel an arbitrary adherence to the 50 ft. setback and build everything behind the existing building would do absolute violence to these very purposes.

It would only do violence to the offices that now have light interior offices, Mrs. Henderson said.

It would also eliminate for all practical purposes 99% of the open grass area that they now have, Mr. Waterval said.

Mrs. Henderson told him he could still have 50 ft. in the front along Carlyn Hill Drive as green space.

Mr. Smith felt that this all boiled down to asking the Board to grant a variance to allow the building to intrude in the setback area and provide light and ventilation to the tenants of the office building at the expense of the general health and welfare of all the citizens.

Mr. Waterval took issue with Mr. Smith's statement -- he did not see where the general welfare was being served in this particular location by adhering to the 50 ft. setback, and granting the variance would better serve the public, he said.

The applicant is already using an office building on the property, therefore he is not being deprived of a reasonable use of the property, Mrs. Henderson pointed out. If it takes a variance half the required setback in order to achieve what he wants to do, it all boils down to a personal consideration because he obviously is going to have greater advantage in a larger office building.

He is not asking for any more office building space than what is now permitted by the Ordinance, Mr. Waterval said.

Tremendous buildings are built today, Mr. Smith stated, with all inside offices. The Ordinance is not unduly restrictive as far as this applicant is concerned regarding the use of his property.

The existing building and design was based on economic conditions five years ago, Mr. Waterval said. Now economic conditions have changed and that is the basis for the Board's consideration. He referred to the case of Azalea Corporation vs. City of Richmond, and pointed out that the financial impact overall ought not to be ignored by the Board of Zoning Appeals.

In the application of Richard A. Waterval, Mr. Yeatman moved that the application be granted so the end of the building will be 50+ ft. from the restriction line on Carlyn Hill Drive; that the building have underground parking as approved by BZA policy on February 13, 1968 to the underground setback line; the site plan for the existing building showed a two year bond for construction of travel lane across the property providing easement is obtained by the County. This travel lane has not been constructed since no one has initiated the condemnation. As a condition of any variance that is granted, Board recommends that prior to site plan approval the applicant initiate through the County a request for condemnation guaranteed payment of all costs, and further that the construction of travel lane when the land is available will be done by the applicant. The Board is also concerned about where people who occupy and visit the existing structure will park during construction and the applicant stated that he would provide for parking during the construction 110 spaces belonging to the apartments. All other provisions of the County Codes shall be met. Seconded, Mr. Baker. He added that the motion deletes the request to permit building to rear property line as the plat shows a 20 ft. setback. This does not mean that Mr. Waterval will pay for the cost of acquiring this land through condemnation.

The apartment spaces were set aside for the apartments, Mr. Smith said. Does the Board have authority to say these people can park there? They must maintain a certain

number of spaces for people living there. Tie vote of 2-2, Mr. Smith and Mrs. Henderson voting against the motion. The Board will take this matter up again first thing on the agenda February 11 to break the tie, if a full Board is present.

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NATIONAL CONCRETE & MASONRY ASSOCIATION - Mrs. Henderson told the Board that she had been to see the operation and it seemed to her that it would fit in a C-G zone under scientific research. They don't want to be in an industrial park, all they want is a two story building of 10,000 sq. ft. When they were in Washington, D. C. about 5 1/2 years ago, they had their experimental equipment on the second floor and Eastman Kodak was below them and no complaints about noise were made. They test concrete blocks under pressure and there is no noise. Their present operation in Arlington is in an office building zoned C-3 (General Commercial), with testing in a warehouse area in Alexandria.

The Board concurred that C-G was the appropriate zone for this operation.

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The meeting recessed until 10 a.m. February 11.

The Board members left around 5:30 p.m.
By Betty Haines

Mary E. Henderson
Mrs. L. J. Henderson, Jr.

April 1, 1969
Date

The recessed meeting of January 28, 1969 was continued on February 11 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All Board members were present.

Mr. Smith led the Board in prayer.

Mrs. Henderson announced that this is a continuation of the January 28 meeting which was recessed because of a tie vote in the case of Richard A. Waterval.

Mr. Yeatman restated his motion: In the application of Richard A. Waterval, application under Section 30-6.6 of the Ordinance, to permit erection of office building 20 ft. from Carlyn Hill Drive, northeast corner of Columbia Pike and Carlyn Hill Drive, Mason District, Mr. Yeatman moved that the application be granted so the end of the building will be 50+ ft. from the restriction line on Carlyn Hill Drive; that the building have underground parking as approved by BZA policy on February 13, 1968 to the underground setback line; the site plan for the existing building showed a two year bond for construction of travel lane across the property providing easement is obtained by the County. This travel lane has not been constructed since no one has initiated the condemnation. As a condition of any variance that is granted, the Board recommends that prior to site plan approval, the applicant initiate through the County a request for condemnation guaranteed payment of all costs, and further that construction of travel lane when the land is available will be done by the applicant. The Board is also concerned about where people who occupy and visit the existing structure will park during construction and the applicant stated that he would provide for parking during the construction 110 parking spaces belonging to the apartments. All other provisions of the County Codes shall be met. He added that the motion deletes the request to permit building to rear property line as the plat shows a 20 ft. setback. This does not mean that the applicant will pay for the cost of acquiring this land through condemnation. Seconded, Mr. Baker. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion as they felt this amounted to a personal consideration under the Ordinance which this Board is prohibited from considering. Denying the application would not amount to confiscation of the land since the applicant is already making a reasonable use of the land and could have an addition without a variance. Mr. Smith added that the Board policy stated that underground parking could be within 1 ft. of a property line and though the retaining wall is on the line, no one is going to ask him to remove it, he felt the parking should certainly maintain the 1 ft. requirement -- perhaps putting a barrier up to keep the cars 1 ft. from the property line.

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The Board proceeded with the agenda for February 11. Mrs. Henderson called the first case:

MARSHALL C. GORHAM, JR., application under Section 30-7.2.1 of the Zoning Ordinance, to permit gravel operation on 27.253 ac. of land, located in Lee District, (NR-1 zone), Map No. 91-1 and 91-2, Par. 80A, 80, No. NR-20

Mr. Thorpe Richards represented the applicant.

Are there other gravel operations in the immediate area, Mrs. Henderson asked?

Yes, several of them, and a gravel operation is being conducted on the adjacent property, Mr. Woodson said.

Mr. Richards amended his application, to stay 50 ft. away from the Church and Schurtz properties. In a lot of areas they will stay 50 ft. away anyhow because of a ridge-line which they cannot disturb. He presented letters from Mr. Rice, Mr. Beard, Mr. Pettit and Virginia Concrete stating that they did not object to excavation to the property line. All of this land is in the NR zone. The Beard property is vacant land. It has been excavated and partly restored. The property was excavated before the Ordinance required restoration and was done by Arrington.

Mr. Kirk, engineer, located the pit that was excavated by Dodd and has been restored. The Arrington pit was dug many years ago and part of it has not been restored.

Wouldn't there be a better chance of making a natural grading toward this unrestored place if this is dug up to the property line, Mrs. Henderson asked, and then it could be sloped off somehow to tie in with the other one. The 50 ft. strip left there would make the situation worse.

No opposition.

Mrs. Henderson read the following letter from Mr. Massey: "The Restoration Board on December 19, 1968 reviewed and approved gravel operation application of Marshall Gorham, Jr., (NR 20), 27.253 ac. located near Beulah Road and Fleet Drive, including the accompanying restoration plan. The Restoration Board recommends that the bond be fixed at $2,000 per acre and calls attention to the fact that the removal of gravel from this area will require excavation substantially below the surrounding

properties and thus will require the bringing in of substantial material for back-filling and restoring the elevation to permit adequate drainage."

Report from the Drainage Division stated that "This office has completed the field inspection and review of the proposed plans on the above mentioned gravel pit. The proposed gravel pit is located adjacent to Mr. Dodd's previously approved gravel pits for which we required a bond of approximately $2,000.00 per acre for restoration due to the flatness of the area and the depth of the proposed excavation which is required to make the gravel pit financially profitable. Again we are faced with a request in the same area which will require excessive back filling of the exact area. Therefore, we are recommending that the same amount of bond be requested as in previous pits in the area."

Mr. Richards suggested that they would start down the Church and Schurtz properties so there would be completion within a year and come all around the property in a right angle.

Letter from the Virginia Concrete Company stated that they had no objections to proposed grades and contours as shown on the plat presented.

No opposition.

In the application of Marshall C. Gorham, application under Section 30-7.2.1 of the Zoning Ordinance, to permit gravel operation on 27.253 ac. of land, Located in Lee District, Mr. Smith moved that the application be approved with the following stipulations: the proposed gravel pit is located adjacent to the Dodd gravel pit which was required to have $2,000 bond per acre. This application should be required to meet the same bond -- $2,000 per acre and the recommendations of Mr. Garza and Mr. Massey; this operation should be 50 ft. from all property lines other than Beard, the southernmost Virginia Concrete property, and that agreements with property owners Schurtz and Church as outlined in their letters be complied with, staying 50 ft. from their property lines and completing the work within one year. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. None of the 50 ft. requirement is to be met on the inner side because this is adjacent to gravel pits that are being worked in the area and are being restored. The 50 ft. is only in connection with the property owners which were discussed and outlined by the Board. Carried unanimously.

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FAIRFAX LITTLE LEAGUE, INC., application under Section 30-7.2.8.1.4 of the Ordinance, to permit construction of four Little League fields, together with snack bars and lighting facilities for the fields, located on Braddock Road, Lot 2, Grace J. Kelley subdivision, Centreville District, (RE-1), Map No. 66 ((16)) 2, S-17-69

Letter from the attorney requested withdrawal. Little League has contracted to get a larger piece of land for ballfields and will abandon plans for construction in this location.

Mr. Smith moved to defer for two weeks in order to ascertain from the attorney whether it might be advisable to have an interim permit on this property. Seconded, Mr. Baker. Carried unanimously.

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SHELL OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit a portion of the land to be used for service station purposes, SW corner of Lorton Road (#642) and Gunston Cove Road (#600), Lee District, (C-N), Map No. 107 ((1)) pt. 77, S-18-69

Mr. Hansbarger stated that the Board gave the applicant a use permit some time ago and it was suggested at that time that it might be wise to acquire the ground next to it to preclude the possibility of another use coming in on the corner at a future date. Shell has now acquired the land and in this application they are asking that this 10,000 sq. ft. be added to the use permit which they already have.

Mr. Smith asked if they could get another entrance with this land?

Mr. Knowlton replied that he had not seen a site plan but felt that they could get another entrance.

No opposition.

Mr. Hansbarger told the Board that they would have one standard Shell sign on pylons. It will be in the same spot as the existing Gulf sign and will be high in order to attract traffic from #495.

No opposition.

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SHELL OIL COMPANY - Ctd.

Mr. Smith stated that the sign should be limited to one freestanding sign in connection with the facility -- a 12' x 12' sign.

In the application of Shell Oil Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit a portion of the land to be used for service station purposes, Southwest corner of Lorton Road (#642) and Gunston Cove Road (#600), Lee District, Mr. Smith moved that the application be approved in conformity with the original granting of use permit for a three bay ranch type service station in this location. This is actually an amendment to the original granting and is to be a part of the original granting to be incorporated into site plan as one service station site, and only one freestanding sign 12' x 12' will be allowed. In addition to the requirements on the original granting, the necessary dedication shall include sidewalk both on #642 and #600 -- this is in addition to the dedication required by the original granting. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MILTON & BETTY SOLDZ, application under Section 30-7.2.6.1.3 of the Ordinance, to permit instruction in glass craft and ceramics, two two-hour classes per week, maximum 8 students per class, three 10 week sessions per year; one class is held from 10 a.m. to 12 noon and the other from 7:30 to 9:30 p.m., 8406 Stone Gate Drive, Lot 180, Section 5, Wakefield Chapel Estates, Annandale District (R-17 cluster), Map No. 70-1 ((7)) 180, S-19-69

Letter from the applicant requested withdrawal as they have found another location.

Mr. Smith moved that the applicant's request to withdraw the application be honored. Seconded, Mr. Barnes. Carried unanimously.

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The Board briefly discussed applications which are withdrawn before posting and advertising have been done and refunding the entire amount.
Since they do require some time, a certain portion of the application fee should be retained by the County. No action was taken.

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ST. MARK'S LUTHERAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori school, 60 students, ages 2 1/2 to 6 years, (nursery school and kindergarten), hrs. of operation 9 a.m. to 2 p.m., five days a week, 5800 Backlick Rd., Springfield District, (R-10), Map No. 80-1 ((1)) 9B, S-20-69

Mr. George Hellwig stated that this application was filed prior to an application by the Health Department for a day care center in the church which was withdrawn because of too much red tape. There would have been plenty of room in the church for the two different operations. This is to be a new Montessori school. The church is completing a new educational unit with seven classrooms on the upper floor and seven on the lower floor. They plan they had was to use the upper floor and the Health Department was to use the lower floor with a separate entrance for retarded children. They also have an ongrade entrance on the upper floor due to topography. The Health Department was asking for 30 pupils and the applicant is asking for 60. The people in the area are in favor of the application. It will be a church operated school and the teaching staff will be part of the church staff. It will be a non-profit church operated school using the Montessori system. Charges will be $35.00 a month as compared to $60 at comparable Montessori schools.

In all fairness to all concerned this should be a contribution rather than a charge, Mr. Smith said, and there was some question in his mind as to whether the church has authority to charge.

Mr. Hellwig stated that the building is used in the evenings by Girl Scouts, Alcoholics Anonymous and other groups. They have operable walls separating the classrooms and in the evenings the walls are pulled back. They have a kitchen which is use practically every evening serving the community. This school will not be limited to church members' children only.

No opposition.

It will probably take one or one and a half years to get sixty students, Mr. Hellwig continued. Parents will bring the children to school. This is for a normal school year only -- no summer classes.

In the application of St. Mark's Lutheran Church, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of Montessori School, maximum 60 students at any one time, ages 2 1/2 to 6 years, nursery school and kindergarten, hours of operation 9 a.m. to 2 p.m., five days a week, 5800 Backlick Road, Springfield District, Mr. Smith moved that the application be approved as applied for. This is to be a church supervised and operated school on a normal school year. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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February 11, 1969

AMOR R. SAMSON, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 3424 Memorial Street, Lot 91, Section 3, Groveton Heights, Lee District, (R-17), Map No. 92-2 ((1)) 91, S-22-69

Mrs. Samson stated that she wished to have a home beauty shop operation in order to stay home with her little boy and a little girl coming from overseas. Her husband is in the military service. She bought the property in December 1968. The beauty shop operation would be conducted in the frame guest house on the property. It has plumbing and bath and heating already and she will put in everything else when she finds out whether or not she can get the permit from the Board. She had a beauty shop in Alexandria but has sold it.

Mrs. Henderson informed Mrs. Samson that her customers would not be allowed to park in the driveway or within any setback area, therefore she would have to provide parking in the rear of the house. She should provide two parking spaces for her customers.

Mrs. Samson said her hours of operation would be four days a week -- Wednesday from 9 a.m. to 6 p.m.; Thursday and Friday 12:30 to 9:00 p.m., Saturday from 9 a.m. to 6 p.m.

Mr. Shepherd Bevis, living across the street, stated that he had no objection to the proposed operation.

Otis Seward, 3426 Memorial Street, adjoining on the north stated that he would not be in favor of a second driveway on Mrs. Samson's property as suggested by one of the Board members for getting parking in the back. If Mrs. Samson has no desire to put in more than one chair for one person within the hours stated, he would not be opposed. He has been a resident of this address for eight years and of the area since 1925. He would not object to a couple of parking spaces in the rear of Mrs. Samson's house.

Mr. Thomas McCluskey presented an opposing petition objecting to commercial use of a single-family dwelling because of inadequate parking, lack of curb and gutter, and continuation of the commercial use if the dwelling were sold.

Mrs. Henderson assured him that this was not a rezoning; it is a use which is allowed in a residential zone under a special permit. This operation if granted could not expand or change hands; it would be granted to the applicant only and limited to a one chair operation. She noted two signatures on the petition -- Mrs. Brown and Mrs. Bevis -- and on February 10 they signed a paper saying they did not object. Undoubtedly they signed the petition thinking this was a rezoning. How close is the nearest commercial shop, she asked?

A long two blocks, Mr. Seward said, approximately 3/4 of a mile.

Mrs. Keither, a customer of Mrs. Samson at her former beauty shop but not a resident of the neighborhood, spoke in favor of the application.

What are the chances of remaining here when your husband comes back from overseas, Mr. Smith asked Mrs. Samson?

They hope to remain here, Mrs. Samson replied. He is close to retirement.

Mr. Knowlton noted that the applicant would have to apply for "exception" of site plan.

Mr. Smith moved to defer to February 25 for plats showing two parking spaces in the rear of the house, 25 ft. from the property lines. Seconded, Mr. Baker. Carried unanimously.

Mr. Seward and Mr. McCloskey asked to be notified of the next hearing.

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JAMES M. FRY, application under Section 30-6.6 of the Ordinance, to permit erection of garage 23 ft. from street property line, 7203 Oakland Avenue, Lot 132, Section 3, Tyler Park, (R-10), Map No. 50-3 ((9)) 132, V-23-69

This property has streets on three sides of it, Mrs. Fry said, and they need a variance to construct a garage for housing an unsightly racing car which her husband owns. He needs a place to store it during winter months. They put up a portable structure to house it but it would not fit. If they get the garage, the shed will be removed. This would be a double car garage with aluminum siding. They moved into the house in May 1968 and have rented in the area for quite some time before purchasing this house. The property slopes downhill from Parkview and straight up a hill from Oakland.

Mr. Smith pointed out that the staff report notes that this does not interfere with sight distance and in view of that statement he was more inclined to vote favorably on the application. This is in a section of old homes and the lot is unusually shaped.

February 11, 1969

JAMES M. FRY - Ctd.

Mrs. Hayes, Mrs. Fry's mother, spoke in favor of the application and described the slope of the lot.

The one adjoining property owner does not object, Mrs. Henderson said, and the other notices that were sent out have signatures with a statement that they do not object.

Mr. Smith warned Mrs. Fry that her husband would not be allowed to do other body or mechanical work in this garage other than on his own cars.

Mrs. Fry said the garage would be used for housing the racing car and a truck which they own.

No opposition.

In the application of James M. Fry, application under Section 30-6.6 of the Ordinance, to permit erection of garage 23 ft. from street property line, 7203 Oakland Avenue, Lot 132, Section 3, Tyler Park, Mr. Smith moved that the application be approved for the following reasons: As stated previously the Board has on numerous occasions granted variances in Tyler Park to make properties more livable for families residing there. This is an unusual situation where there are streets on three sides of the property. It has been pointed out by the staff that this would not have an adverse effect on sight distance because of the angle involved. This being angled, instead of square, causes problems as far as construction is concerned. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL & REFINING COMPANY, application under Section 30-7.2.10.2.1 of the Zoning Ordinance, to permit erection and operation of service station, NW intersection of Springhill Road and Old Dominion Drive, Dranesville District, (C-N), Map No. 20-4 ((1)) 1, 3 & 4, S-25-69

A permit was granted on December 19, 1967 for this station in this location, Mr. Hansbarger stated. Site plan was approved December 16, 1968. The permit expired three days later. They did not get their request for extension in prior to expiration, and for this reason they are back with the request that the Board approve the application as originally approved.

Mrs. Robinson spoke in favor of the application. This corner is very unsightly, she said, and they want to get it cleaned up.

No opposition.

In the application of Humble Oil & Refining Company, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, NW intersection of Springhill Road and Old Dominion Drive, Dranesville District, Mr. Smith moved that the application be approved. This is the same location which was approved for a use permit on December 19, 1967 and the only reason the applicant is back is the fact that the use permit expired in December without a request for extension. The applicant is seeking what amounts to a reapproval of the use permit granted December 1967. Therefore this application should be approved to meet all conditions of the original motion and should be limited to one 8 ft. oval sign. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASE:

BOARD OF TRUSTEES, COLLEGE OF THE POTOMAC, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of a four year liberal arts college, 1700 students, 12 month operation, W. side of Rt. 228 at Folly Lick Run, Centreville District, (RE-1), Map No. 10-2 ((1)) pt. 1, S-983-68 (deferred from November 12, 1968)

Letter from the applicant's attorney requested deferral for an additional 90 days as they were not prepared to present the case at this time.

Mr. Smith moved to defer to May 13. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed a request from Mr. Barone of Calvary Park Cemetery asking permission to use an office trailer on the property for a small group of salesmen to sell cemetery properties before need. The request was denied as the Board could find nothing in the Ordinance to allow this.

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Mr. Woodson presented a letter from Robert H. Metz of Rollins Outdoor Advertising requesting permission to put lights on non-conforming signs on Route 1. Mr. Woodson's interpretation was that this would be an addition and would not be allowed.

This was definitely an enlargement, Mrs. Henderson felt, because the signs could be seen night and day.

The exposure is doubled, Mr. Smith stated, and it should not be allowed.

Consensus of the Board was that this would not be allowed.

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Mrs. Henderson read a letter from the Zoning Inspector regarding the Harry Crouch junk yard near Clifton.

The Board agreed to allow him thirty days to clear the violations and if not cleared by that time, he would be called in to show cause why his permit should not be revoked.

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Letter from Stephen L. Best regarding location of parking area for Westminster School was discussed. The Board felt that Mr. Best should be present on February 18 to discuss this.

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The Board is spending too much time with after-agenda items, Mr. Smith said, and people should be put on notice that everybody coming in with an appeal from the Zoning Administrator's interpretation must file an application and follow procedure set forth in the State Code. He questioned whether the Board could hear Mr. Potter's question of interpretation on the 18th -- the Board should notify him that this does not meet the Code requirements.

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The meeting adjourned at 2:10 p.m.
By Betty Haines

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

April 1, 1969
Date

A special meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 18, 1969 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Barnes. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of water pumping station, south side of Pohick Road (#641), approximately 2,000 ft. S. E. of Lee Chapel Road, adjacent to existing VEPCO and Water Authority easements, Springfield District, Map No. 88-3 ((1)) pt. 9 (RE-1), S-34-69

Mr. Fred Griffith and Mr. Harry Bicksler were present in support of the application.

Mr. Griffith presented a picture of their pumping station at Telegraph Road and stated that this station would be of similar architecture, with a capacity of thirty eight million gallons per day. There are some trees on the site now and they will leave as many of them as possible. This is adjacent to what is called a utility corridor -- the Water Authority has 30 ft. within the 150 ft. corridor. This will be basically a booster station to increase pressure for distribution of water in a more dense area.

Mr. Smith asked if additional tanks would be needed to serve the expanding Pohick area.

Yes, Mr. Griffith replied, but they will put those in the area west of Rolling Road. This particular property was bought specifically for a pumping station and that is all they propose to have here. The 20' x 20' concrete pad shown on the plat is where they will set the transformers. The pumps will be enclosed within the building and there will be no noise heard outside of the building. This is a 40' x 60' building and the only openings are for ventilation and doorways.

Mr. Smith was concerned about whether VEPCO would need to file a separate application for installing the transformer.

The Board discussed the dedication requirements for this application. The staff recommended dedication of 60 ft. from the center line of the road and the plats showed 80 ft.

The plats were drawn to show the maximum, Mr. Griffith explained. At the Planning Commission hearing it was uncertain.

The figure of 60 ft. came from Mr. Chilton's office, Mr. Knowlton said. Under site plan this would have to be constructed now unless it is waived. He would assume that a waiver would be considered since there is no other widening in the area.

No opposition.

There was no report from the Planning Commission. Mr. Knowlton explained that originally when the Planning Commission heard this it was under Section 15-1.4.5.6 as a use allowed by right in a residential zone, namely public uses. They contacted the County Attorney to find out whether or not it should go to the Board of Zoning Appeals and his reply was that public uses generally were allowed by right but pumping stations are specifically required to go to the Board of Zoning Appeals for a use permit. That ruling was not available to the Planning Commission and that is probably why they did not send a formal report.

Mr. Smith still questioned whether or not VEPCO would need a permit from the Board to install the transformer.

The wording in the code is "power distribution facilities", Mr. Knowlton stated, and there is no distribution connected to this unit.

Is the 60 ft. dedication for road widening sufficient, Mr. Smith asked?

The staff is working with the Pohick Plan, Mr. Knowlton replied, and there is still an element of uncertainty. The Plan says "from 120 ft. to 160 ft. right of way" but it is unadopted.

In the application of Fairfax County Water Authority, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of water pumping station, south side of Pohick Road (#641), approximately 2,000 ft. southeast of Lee Chapel Road adjacent to existing VEPCO and Water Authority easements, Springfield District, Mr. Smith moved that the application be approved with the following conditions: that the applicant dedicate along Pohick Road 60 ft. from center line; that the dedication at this time not be indicated to mean that it is to be constructed -- it is up to the staff as to whether waiver should be granted on clearing and construction at this time. This is for a water pumping station with a 40' x 60' building and 20' x 20' concrete pad for placing the high voltage transformer to be used by the pumping station. If this transformer is to serve the pumping station only and is not meant for any other

distribution to areas surrounding this, this would not necessitate an additional use permit but if it is used as a distribution point for other uses, VEPCO would have to acquire a use permit for these uses. The building and all installations on the facility must meet all setback requirements. The transformer itself shall be screened to a height of 6 ft. The screening now on the property shall be left undisturbed except in areas where the Water Authority must place the building on the property. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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POOR SISTERS OF ST. JOSEPH, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, maximum 30 children at any one time; infants thru 5 years of age, 7 a.m. to 6 p.m., 4319 Sano Street, Mason District, (R-12.5), Map No. 72-2 ((1)) 20, S-35-69

Father Hannan represented the applicant. The building is presently being used as a convent, he explained, and the object is to provide a day care center for about thirty children. They feel there is a need for it in the area. The Sisters are Spanish speaking Sisters, from Buenos Aires. This service would be open to the general public.

Do these Sisters also speak English, Mrs. Henderson asked?

Yes, Father Hannan said. The school will not provide transportation. The day care center will be held in the proposed 50' x 30' addition which will be physically attached in some way to the present building. The entire tract of land will be included in the use permit. This will be a year round operation. The proposed building will meet the requirements of the County Health Department and Inspections Divisions and will accommodate more than thirty but they would like to start out with a maximum of thirty. The architect contacted the Health Department and according to their specifications the building will accommodate up to forty children.

No opposition.

If the building will accommodate forty children, Mr. Smith suggested amending the application so the applicant would not have to come back. Father Hannan was agreeable and asked that the application be amended.

In the application of Poor Sisters of St. Joseph, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, infants through five years of age, 7 a.m. to 6 p.m., 4319 Sano Street, Mason District, Mr. Smith moved that the application be granted for a maximum of forty children at any one time, 12 months a year; this is for a one story brick addition to the convent with parking as shown on the proposed site plan submitted with the application, building being 30' x 50', and all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Baker. Carried unanimously.

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WILLIAM T. HENRY, application under Section 30-6.6 of the Ordinance, to allow corner of house to extend 1.7 ft. and corner of garage 1.6 ft. into 25 ft. rear yard, 6244 Columbia Pike, Lake Barcroft, Section 1, Mason District, (R-17), Map No. 61-3 ((14)) 42, V-36-69

Mr. Henry stated that he wished to put a 50' x 32' house on the lot and a variance would be necessary on the rear setback.

Mrs. Henderson stated that after looking at the property yesterday, it occurred to her that it might be better to grant a variance on the front. All of the houses back up awfully close to this property.

Mr. Henry agreed that it might be better. The only reason he proposed to do it his way was that only a corner of the house would need a variance in the rear whereas in the front the whole house would need a variance.

This is an odd shaped lot and drops off considerably on the west side, Mrs. Henderson stated. The service drive along Columbia Pike dead ends at the end of this property. She said she did not see how this service drive could go any further because of the topography. In view of the closeness of the houses on Lots 49 and 48 in the rear it would seem that it would be better to push the house forward.

No opposition.

The square footage of this lot is way below the requirement for R-17, Mrs. Henderson stated.

In the application of William T. Henry, application under Section 30-6.6 of the Ordinance, to allow corner of house to extend 1.7 and corner of garage 1.6 ft. into 25 ft.

February 18, 1969

WILLIAM T. HENRY - Ctd.

rear yard, 6244 Columbia Pike, Lake Barcroft, Sec. 1, Mason District, Mr. Smith moved that the application be amended to read and be granted to allow the applicant to construct the proposed house, breezeway and garage 43 ft. from the front property line along Columbia Pike, granting a variance on the front setback rather than the rear as applied for. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously. (The house should meet the 25 ft. rear setback.)

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PAUL BASSETTE, application under Section 30-7.2.10.5.4 of the Ordinance, to permit display of rental vehicles, Lots 33 and 34, Bryn Mawr, on Whittier Avenue, Dranesville District, Map No. 30-2 ((9)) 33 & 34, (C-G) S-37-69

Mr. Richard Dixon requested deferral until March 11 as he had not gotten his notices out.

Mr. Smith moved that the application be deferred to March 11 for notices to be sent out and added that the property should be reposted. Seconded, Mr. Yeatman. Carried unanimously.

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The Board was now ahead of the regularly scheduled agenda. Mr. Stephen L. Best, representing the Westminster School, Inc. asked for a clarification of the motion granting the school regarding parking.

Mrs. Henderson read a letter signed by Elmer and Dorothy McCauley owning property adjacent to and south of the Westminster School property, stating that they had no objection to the site plan including the location of the parking shown thereon.

The Ordinance requires that parking be 25 ft. off all property lines, Mr. Smith stated.

Mr. Best told the Board that the School Board has expressed a desire to acquire a 50 ft. strip of land along the side to get back to Masonville Elementary School. When the McCauleys retire and move from the property they have expressed a willingness to sell to Westminster School and the property would be divided, the County taking a 50 ft. strip and Westminster School taking the remainder.

Mr. Sommai Sooksanguan from the Planning Engineer's office presented a copy of the marked up site plan on file in his office.

There was some question regarding the garage on the property -- Mr. Best said it would be used purely for storage. The school building shown originally was shown further forward; it has been moved back. The dimensions of the building have not changed.

The Board agreed that this arrangement was all right.

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CHARLES L. AND PAIGE F. WILKES, application under Section 30-6.6 of the Ordinance, to permit erection of addition 12 ft. from side property line, 8423 Weller Avenue, Dogwood's Addn. to Woodhaven, Dranesville District, (RE-1 cluster), Map No. 20-3 ((1)) 17, V-38-69

Letter from the applicant requested withdrawal.

Mr. Smith moved that the application be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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MANTUA HILLS SWIMMING ASSOCIATION, application under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool and two tennis courts, 9330 Pentland Place, Mantua Hills, Map 58-2 ((2)) 3, (R-12.5), Providence District, S-39-69

Mr. Knowlton stated that the proposed swimming pool and all but a few square feet of the tennis courts are entirely within the City of Fairfax. The only thing in the County is the proposed parking and the access.

Mr. Bevin Allen said the existing pool was granted in 1963. The only change in the whole plan is to add two tennis courts and another pool. Pentland Place is the access road. Present membership is 350. They have 80 additional memberships assuming they can build the additional pool, bring this up to 430 family memberships. Some of the 127 existing parking spaces are never used. All of their people come from Mantua Hills and many of them walk.

No opposition.

February 18, 1969

MANTUA HILLS SWIMMING ASSOCIATION - Ctd.

Mrs. Henderson read the recommendation of the Planning Commission, approving the portion of the operation located in Fairfax County.

Of the six letters presented to the Board, Mrs. Henderson indicated that there were no indications of objection.

In the application of Mantua Hills Swimming Association, application under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool and two tennis courts, 9330 Pentland Place, Mantua Hills, Providence District, Mr. Smith moved that the application be granted as shown on the plat submitted dated January 1969; that parking facilities be enlarged to provide not less than 145 parking spaces for the expanded facility. All other provisions of the Ordinance pertaining to this application shall be met. It is understood that the granting of this application is only on the portion of the proposed expanded facilities within the County of Fairfax. This is an addition to the existing facility granted January 8, 1963, to this applicant. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES:

JOSEPH PROVENZANO, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of a doctor's office in dwelling (non-resident), Lots 13 & 14, Beverly Manor, 3915 Annandale Road, Annandale District, (R-10), Map No. 60-3 ((25)) 13 & 14, S-2-69 (deferred from Jan. 14)

Mr. Charles Geschickter and Mr. Pete Moran were present with the applicant.

Mr. Geschickter presented revised plats showing twenty-five parking spaces with spaces #23, 24 and 25 in alternative positions on the property. In an effort to alleviate one of the primary sources of worry on the part of the residents of the neighborhood and in order to do what Mr. Smith had indicated might be wise, they have shown the traffic in a one way pattern, entering from Beverly Manor Drive and exiting on Annandale Road and this way they feel they can alleviate the possibility of any parking on Beverly Manor Drive. To restrict entrance and exit both to Annandale Road creates a situation where people must wait to make a left turn into traffic at a private drive and with people entering and exiting at Annandale Road, this might create a hazardous condition.

The present plan, Mr. Geschickter continued, would necessitate the removal of one tree now existing on the property and this is in the middle of parking space #6.

Mr. Smith asked to have some idea of how many people would be waiting in the waiting room at any one time. It seemed to him that 25 parking spaces were too many.

Dr. Provenzano said there would be a maximum of fifteen people waiting at a time. They schedule people every fifteen or twenty minutes. The other doctor will not be there at the same time.

Mrs. Henderson felt there should not be an entrance on Beverly Manor Drive. Traffic should enter and exit from Annandale Road.

Is Annandale Road divided, Mr. Smith asked?

It is not divided at this point, Mr. Knowlton stated, but ultimately it will be. It is not marked for a left turn in this area.

Mrs. Henderson stated that since the January hearing a number of letters had come in in opposition. The tenure of these letters and the petition signed by twenty-four families is that they are opposed to commercial or spot rezoning, which this is not.

Mr. Smith said he felt that this type of use was established by the Board of Supervisors under very restrictive limitations simply to discourage applications for rezoning. He also felt that were this Board not to act favorably on this application, there could very well be a rezoning application submitted on it. This use has been here for a number of years; the doctor's situation has changed, his family has enlarged, and it becomes very difficult to decide whether he wants to stay with his patients or move with the family. Since the country began most doctors have had operations in their home and it is still permitted in ordinances all over the country. This is an unusual situation. The courts could permit it without all the restrictions that this Board has to impose.

Mrs. Henderson read another petition with eleven signatures, opposed to the application but it said that if the Board were disposed to allow the requested permit, that they set down five provisos, four of which would have to be complied with because they are a part of the Ordinance. The only one not in the Ordinance is that all access be limited to Annandale Road to eliminate parking and traffic on Beverly Manor Drive.

JOSEPH PROVENZANO - Ctd.

Mrs. Henderson read a letter from Mr. Rose of the Land Planning Office stating that it would be possible to use Annandale Road as entrance and exit.

Mr. Yeatman suggested increasing the width of Beverly Manor Drive in front of the doctor's property but Mr. Knowlton cautioned that any widening of this road would affect the drainage.

Perhaps it could be widened 8 ft., Mr. Smith suggested, to allow cars to pass others turning into the doctor's parking lot.

Mr. Robert Lyle objected to a deceleration lane, cut out or pass lane on the street where they don't need heavy traffic. This would be hazardous to school children walking along Beverly Manor Drive.

After the Board's discussion today, Mr. Smith said he would like the application deferred again for plats showing 25 parking spaces and closing the entrance on Beverly Manor Drive entirely, having entrance and exit both on Annandale Road. This seems the only solution to the problems attached to this use. There was some question in his mind as to whether this is the safest entrance and exit procedure, he said, however in view of the statements presented by the staff and others, this should alleviate the objection to the use itself. For this reason he moved to defer the application for decision only, based on this request. Deferred to March 11. Seconded, Mr. Yeatman. The plat should also show the necessary fencing from the edge of the building on Beverly Manor Drive side, all the way around the property to the end of the parking lot covering that portion of the parking facing Annandale Road back to the corner of the house, leaving the front yard of the house exposed to maintain the residential character -- this should be a 6 ft. high solid fence. Carried unanimously. Mr. Smith asked Mr. Moran, the surveyor, to discuss with the staff the possibility of putting a deceleration lane in front of the property to eliminate some of the hazards attached in making a left turn.

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CECIL LEATHERS, application under Section 30-7.2.10.2.1 and 30-6.6 of the Ordinance, to permit erection of service station 25 ft. from side property line, Lot 20, Poplar Hill Subdivision, Providence District, (C-N), Map No. 59-2 ((5)) 20, V-6-69 (deferred from January 14)

Letter from Mr. Leathers requested withdrawal as variances were not necessary.

Mr. Smith moved that the application be allowed to be withdrawn without prejudice and it should be stated that the Board commends the applicant for the efforts made to place the building on the property without a variance. Seconded, Mr. Yeatman. Carried unanimously.

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DAVID D. PHELPS, application under Section 30-6.6 of the Ordinance, to allow garage to remain 20.4 ft. from Timothy Place, Lot 29, Fort Lyon Heights, 2806 James Drive, Lee District, (R-10), Map No. 83-1 ((4)) 29, V-984-68 (deferred from Jan. 14)

Mrs. Henderson read the note from the building inspector which the Board felt needed clarification -- therefore Mr. Smith moved to defer to March 11 for a clarification from the building inspector regarding his written report. Seconded, Mr. Yeatman. Carried unanimously.

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HARRY L. BURKA & ALBERT KAPLAN, application under Section 30-6.6 of the Ordinance, to permit erection of auto body shop to be built up to the rear property line, Lot A, John B. O'Shaughnessy Est. on Seminary Road, MasonDistrict, (C-G), Map No. 61-2 ((1)) pt. 99, V-937-68 (def. from Jan. 14)

Letter from the applicant's attorney requested withdrawal.

Mr. Smith moved that the application be withdrawn at the request of the applicant's attorney, with prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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<u>Appeal from the decision of the Zoning Administrator</u> - Mr. Sutton Potter representing Mr. Laux

The Board has done some investigation, Mrs. Henderson said, and had discussions which they had not really had time to do before. One question -- when was this legal document drawn up? There is no date on it at all.

It was turned into Mr. Knowlton around January 10, Mr. Potter replied.

Was there any indication of an appeal as required by the Code within thirty days of October 11, Mrs. Henderson asked? That is what the Code says it should be.

February 18, 1969

Appeal from decision of Zoning Administrator - Mr. Potter for Mr. Laux

Mr. Potter raised the question of whether a continuing violation would come within the appeal section; this is an entirely different situation than Section 30-6.6. Here there was an admitted violation. He did not think this matter came within those provisions which are intended to limit the time within which an owner can claim to be aggrieved by a decision on a variance.

Weren't you appealing the Zoning Administrator's decision that the change in the lot line made the building conforming, Mrs. Henderson asked?

After conferring with several staff members it was decided that this would be raised as a County inquiry using this piece of paper as a memo of the problem, Mr. Potter said.

In essence this is an appeal from the decision of the Zoning Administrator's action of October 11, 1968, Mrs. Henderson stated. The Code says an appeal may be taken to this Board by any person aggrieved or affected by any decision of the Zoning Administrator, so it seemed to her that this was an appeal from his decision.

No action by the Zoning Administrator can approve or cure a continuing violation, Mr. Potter contended.

The attorney states that he is not actually appealing a decision of the Zoning Administrator because the time has expired for this, Mr. Smith said, however, he felt that this was properly before the Board for a question in relation to an existing violation, as to whether this Board felt there was actually a violation. He said he was willing to try to make a decision in this matter but not willing to vote on appealing the Zoning Administrator's decision since this did not follow the State Code of appealing within thirty days, and secondly, this was not filed properly, posted and advertised as required by both the County Code and the State Code. Probably if Mr. Woodson and Mr. Knowlton felt this was properly before the Board regarding a continuing violation, this is the only way he would be willing to make a decision based on the time and the manner of filing.

Mr. Potter stated that they were present to assist. They have originated questions with the staff at various points during this construction. This is a question being raised by the staff and they will assist in any way they can.

The staff did not raise the question, Mrs. Henderson said, you did. This is an appeal from the Zoning Administrator's decision in the statement presented to the Board.

This was entered as a memo merely to give the facts connected with the matter, Mr. Potter said, and how it is labeled is irrelevant. Mr. Knowlton told them that if they wanted to take the appeal route he would require them to submit an application and give notices. However, he felt this was a question being raised by the staff, at his request.

The Board is to blame for going this far without insisting that an application be filed as an appeal, Mrs. Henderson said, and perhaps they should do that now.

Mr. Smith said he was not aware of the fact that this was an appeal by the staff.

Mr. Laux is the appellant and the staff has nothing to do with it, Mrs. Henderson said. Everything Mr. Potter said is written down in his statement and yet he says that it does not apply.

They did it like that thinking it was going to be an appeal, Mr. Potter said. If the Board will consider the facts stated, it is nothing more than a memo, and the word "appeal" can be disregarded. It was their understanding that this would be raised after the Board's agenda as a staff inquiry.

Mr. Knowlton told the Board that when this first came to his attention he gave Mr. Potter the necessary forms for filing an application. He left with the forms and subsequently called the office saying he did not feel that his client should be required to pay a fee and that some of the things required in connection with the application were not the responsibility of his client, and he wondered whether there was any way he could bring this up. The application is the only way to officially bring it up.

Mr. Smith said he felt there were only two questions which the Board could consider -- did the change in lot line change the status of the building? Is there an existing violation as to construction?

The question is not whether the change in the lot line corrected the violation, Mr. Potter said.

The Board is not admitting that there is a violation, Mrs. Henderson stated.

Mr. Potter felt that the application that was submitted for a variance and later was withdrawn admitted that there was a violation.

Because there was a different line, Mrs. Henderson said. Does changing the line change the position of the house? Everybody admits that the house has not been moved.

Appeal from Zoning Administrator's decision - Ctd.

Mr. Smith's opinion was that there was no need for a change in the lot line; there was not a violation in the beginning and there is not now an existing violation.

Mr. Ridgeway, surveyor of the property, stated that he had made the plats and certified them correct. In his opinion the distances are proper.

Mr. Woodson said he considered the 25.5 ft. distance shown on the plat as the rear lot line. He was not using the 10 ft. pointed lot provision.

At the time he did the plat, Mr. Ridgeway said, he was not aware of the pointed lot provision but he felt that either interpretation was good.

The Ordinance nowhere states anything about the distance of the house from a line, Mr. Potter told the Board -- it deals with yards measured by a depth measurement. The Ordinance is very consistent. It is very convenient to think about distance of the house from the property line but there is nothing in the Ordinance about this. The Ordinance is not clear when you apply the pointed lot and when you don't. The language used in the Ordinance is "generally opposite". Does this mean parallel? It is not clear so what do you look to to decide whether this is for pointed lot or not?

Is there another lot in the subdivision which has a pointed effect such as this, Mr. Smith asked?

Lot 4 comes to a point, Mr. Potter replied.

Mr. Smith looked at the subdivision plat and stated that he did not see another lot that had the characteristics of the lot in question; this is a very irregular shaped lot.

An application was made to this Board for a variance so there was admittedly an error, Mr. Potter reiterated.

That application was not offidal because it was neither posted nor advertised; it was withdrawn and the Board did not hear the case, Mr. Smith said.

Mr. Knowlton read the definition of lot line, rear -- The lot line that is generally opposite the lot line along the frontage of the lot. If the rear lot line is less than ten feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line.

Mr. Smith noted that this was an unusual situation, one of the most unusual he had seen since being a member of the Board.

It is not really unusual, Mr. Chilton said; there are many situations where one man's side would be another man's rear lot line. This comes up many times and he thought this was the same thing -- this man's side line is another man's rear line.

Mr. Potter urged the Board to be very careful before switching the natural concept of rear line and applying a different provision solely for the purpose of bearing out one situation.

The Board has not considered this particular lot or house or any part of it prior to the time Mr. Potter brought this to the Board's attention about a month ago. There was a thirty day time limit to appeal the Zoning Administrator's decision; this time has passed. This cannot now be considered. The Board has spent almost 1 1/2 hours at this meeting on this subject, Mr. Smith said, and he questioned whether some of the actions taken here were necessary; this is not a problem. It is really one of the things that makes democracy work.

The following is the resolution of the Board regarding this application:

In consideration of the request of Cmdr. W. J. Laux, Jr., presented by his attorney, Mr. Sutton Potter, for determination of whether or not a violation existed or exists in the required rear setback on Lots 9 and/or 9A, Section II, Milway Meadows, and

WHEREAS the Board was asked to consider whether a violation existed at the time the intermediate plat was approved by the Zoning Administrator and whether or not a violation was created because of changes which occurred in the lot line by subdivision subsequent thereto, and

WHEREAS a house location survey indicating the setbacks was submitted and attested to by a certified surveyor, Wesley N. Ridgeway, and

WHEREAS the Board of Zoning Appeals found that the provisions of the Ordinance in Section 30-1.4.2.4.1 of the Code setting forth the location of the rear lot line on a pointed lot was clearly demonstrated in this case, and

February 18, 1969

Appeal from Zoning Administrator's decision - Ctd.

WHEREAS the house as indicated on the plat of the certified surveyor was found to have in excess of the required setback from the rear lot line as determined under the pointed lot provision, now

THEREFORE it is the resolution of this Board that there is not now nor has there ever been a violation in connection with the rear setback of the structure located on the above mentioned lots.

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The meeting adjourned at 3:45 p.m.
By Betty Haines

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

May 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 25, 1969 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Dan Smith. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

FRED SCHNIDER, app. under Sec. 30-7.2.7.1.4 of the Ordinance, to permit construction and operation of 9 hole golf course and 50 tee driving range with 160 car parking area and 40' x 60' club house, located on 113.376 ac. between Rts. 28 and 657, near Rt. 50 (RE-1), Centreville District, Map No. 34 ((1)) pt. 81, S-24-69

Mr. Frank Ball represented the applicant. Last July this Board heard and granted a use permit for a driving range on this property, he said. Mr. Schnider is going over this with Mr. Jamison, designer of golf courses, and they have found that it would be a good thing since they had plenty of room, to put in a nine hole golf course. This land does not go out to Route 50; they are reserving that space for whatever the County desires to use it for. This is 113 acres and they think this would be attractive to surrounding properties. The buildings existing on the farm will be retained as much as possible to do so. They will build one building and provide 160 parking spaces. No lights will be used in connection with the golf course itself but will in connection w ith the driving range which was previously authorized. The application today is actually an enlargement of the existing use.

Mrs. Henderson said it seemed to her that this was a very different application; it no longer fronts on Route 50, they have cut that whole area out and that was 34 acres. She would presume, she said, that the driving range originally was up in the 25 acre piece and along the other little triangle in the corner.

Mr. Ball stated that Mr. Chilton in Subdivision Control felt the proposed access was all right. It might be necessary to have a turning lane off #657. There is no entrance off Route 50 onto this property, and Route 28 is limited access so there is no entrance from that road.

Would this be a permanent installation, Mrs. Henderson asked?

The driving range application was for five years, Mr. Ball replied. He could not imagine that a golf course in this area would be a permanent thing -- he thought it would be a maximum of ten years probably. This will offer a chance for public recreation. There will be a snack bar selling hamburgers,hot dogs, primarily for the sale of golfing supplies. There may be a few lockers. They will sell golf balls, clubs, shirts, and shoes, and some wearing apparel. 160 parking spaces are shown on the plat after consultation with the County authorities and if there is a need for enlargement of parking facilities, it will be done immediately. They have consulted with County authorities regarding the septic field and it had to be laid out differently than it previously was planned.

How long will the turning lane be, Mrs. Henderson asked -- should it run the entire frontage of the property?

Site plan ordinance would require all kinds of things, Mr. Knowlton said, about 1/4 mile of road widening along the west side of the property plus service drive. Since it would not serve anything right now there is a possibility of waiving it but the deceleration lane would normally be 150 ft. to the entrance.

No opposition.

In the application of Fred Schnider, application under Section 30-7.2.7.1.4 of the Ordinance, to permit construction and operation of nine hold golf course and 50 tee driving range with 160 car parking area and 40' x 60' club house, located on 113.376 ac. between Rts. 28 and 657, near Rt. 50, Centreville District, Mr. Yeatman moved that the application be approved and that site plan approval meet all County requirements. Septic fields should have Health Department approval. Sales in the club house shall be limited to snacks such as hamburgers, hot dogs, soft drinks and crackers, and the pro shop sales shall consist only of items appurtenant to golfing such as clubs, balls, clothing, shoes, bags, etc. such as used by the ordinary golfer. There will be a deceleration lane of 150 ft. along Rt. 657. Seconded, Mr.Baker. Carried unanimously.

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ANNANDALE MOOSE LODGE #646, application under Sec. 30-7.2.5.1.4 of the Ordinance, to permit operation of Moose Lodge, Old Franconia Fire Department building on Franconia Road, Lee District, and application under Section 30-6.6 of the Ordinance to permit building closer to property lines than allowed, (RE-1 and R-17), Map 81-3 ((5)) pt. 2, S-26-69

Mr. Charles Geschickter represented the applicant. Lot 21 is now the new Franconia Fire House, he stated, and their parking area abuts on the back of the property in question. He presented new plats to the Board showing parking meeting the setback requirements. This lodge has been in existence for about 15 years and their original home was across #236 from the Northern Virginia Community College and behind and adjacent to the cemetery on #236, he said. The lodge property was bought by a developer who is now developing in that area and since then they have been trying to find a new home.

ANNANDALE MOOSE LODGE #646 - Ctd.

The lodge will present absolutely no different use than the Fire Department originally presented in this building, Mr. Geschickter continued. All Moose meetings are controlled by a Board of Officers and all social occasions are governed by these officers, one of whom must be present. Moose Lodge has quite a comparison with the Fire Department as far as services are concerned; they sponsor Girl and Boy Scout troops; leading supporters of ALSAC aiding leukemia stricken children at St. Jude's Hospital, multiple sclerosis, muscular distrophy, and the home for the aged in Florida for its members. They also have a home for orphaned children called Mooseheart which now has 665 children in residence, completely taken care of by the Moose Lodges throughout the United States.

There is one other aspect that presents a serious problem, Mr. Geschickter said, and that is the fact that they must have a variance for the existing situation with the building. What forced the Fire Department out of the building originally was the fact that they could not expand their facilities to meet growing needs. The building will be unusable as such if no one can obtain a variance because of the side and front setback situation. The members of the Lodge would participate immediately in upgrading the building that otherwise would remain vacant much longer.

As to the parking situation, Mr. Geschickter continued, they have an arrangement with the Fire Department for the use of their lot. There are 110 members at the present time and they hope that the Lodge will grow.

How many people will attend lodge meetings, dinners, etc., Mrs. Henderson asked?

As a guideline, Mr. Geschickter replied that the Woodbridge Moose Lodge which has 1,084 members only have about 200 members present at the lodge at any one time. There is sufficient space on this property to serve the current membership.

The parking spaces in the front are within the setback area so those four will have to be removed, Mrs. Henderson said. That gives 22 parking spaces and this parking situation bothered her very much, she said. All the parking is supposed to be on the property for a use of this kind and it could very well be that the Fire Department and the Moose Lodge might have conflicting use of the parking lot under this arrangement. She thought the use proposed for the building was a good one but the parking situation should be looked into. It would be necessary to have a lease on the other property before the Board could consider it as parking space.

Mr. Schurtz of the Franconia Fire Department said the reason they did not consider selling or leasing the property is the fact that they thought in the future they might need the additional area for large functions which the Fire Department has requiring parking on this property.

No opposition.

Mr. Yeatman moved to defer to March 25 to see if the applicant can work out something on the parking situation. Seconded, Mr. Barnes. The Board agreed that 75 parking spaces should be shown on the plat, under control of the Moose Lodge. Carried unanimously.

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CONSTRUCTION ENTERPRISES - JACK L. SHAW, application under Sec. 30-6.6 of the Ordinance, to construct carport closer to side property line than allowed, 9143 Santayana Dr., Mantua Hills, Providence District, (R-12.5), Map No. 58-2 ((10)) 37, V-27-69

General Carraway, owner of the property, and Mr. Jack L. Shaw, builder, were present.

General Carraway stated that the drive slopes down and it is 56 inches deep at the lower end. The driveway fills up with water and they were flooded last summer. They had their garage closed in and the exit door closed off to try to keep the water out. They need a carport to cover their two cars.

This is really an excessive request, Mrs. Henderson said. Hundreds ~~of thousands~~ of families in the County have only single carports and this is requesting a variance up to the property line which is rather excessive.

They are having to fill all of this so they felt it should be covered, Gen. Carraway said. All of the houses in Mantua Hills have carports or garages.

This is a hardship case, Mr. Shaw stated. He lost the use of the enclosed garage plus the adjacent room next to the garage which was flooded last summer. The driveway existing now will have to be built up and sloped toward the curb. It will solve the water problem.

A single carport would do this, Mrs. Henderson said.

A single carport would not enhance the sale of the house, Mr. Shaw replied.

There is nothing in the Ordinance which allows the Board to consider esthetics, Mrs. Henderson pointed out.

No opposition.

February 25, 1969

CONSTRUCTION ENTERPRISES - JACK L. SHAW - Ctd.

In the application of Construction Enterprises - Jack L. Shaw (Gen. Paul W. Carraway), application under Section 30-6.6 of the Ordinance, to construct open carport closer to side property line than allowed, 9143 Santayana Drive, Mantua Hills, Providence District, Mr. Yeatman moved that the application be granted due to topography of the land and the way the house is situated on the lot and that this be built according to plats submitted. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 3-1, Mrs. Henderson voting against the ~~property~~ as she felt this was purely a personal consideration.

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LENOX EQUITIES CORP., application under Sec. 30-6.6 of the Ordinance, to permit reduction of required privacy fence length from 20 ft. to a minimum of 10 ft., located at 8th Street and Lincoln Avenue, Little River Village, Springfield District, (RT-10) Map No. 72-3 ((1)) 43, 44 and 45, V-28-69

Mr. Knowlton explained that this is the first case the Board has had on this subject. He read from the Schedule of Regulations in the Ordinance under Minimum Yard Dimensions -- "A 20 ft. minimum depth yard in either front or rear of each town house unit, except end units, shall be enclosed on the sides with either a wall or fence of 6 ft. minimum height to provide for a privacy area."

Mr. Lester Shor, owner of the property did not have the required notices.

Mr. Yeatman moved to place at the end of today's agenda for proof of notification. Seconded, Mr. Baker. Carried unanimously.

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LT. CMDR. JONATHAN TITUS, app.under Sec. 30-7.2.6.1.10 of the Ordinance, to permit office for general practice of medicine, 8228 Old Mt. Vernon Hwy., Mt. Vernon District, (R-17), Map No. 101-4 ((1)) 18A, S-29-69

Mr. William Hansbarger represented the applicant. He reviewed the list of requirements contained in the Ordinance under Group VI uses. This is a single-family home, he said, and Cmdr. Titus will be the only doctor at the present time; perhaps later on there might be another physician. Off street parking will be provided. They will pave the area in the rear and provide seven parking spaces there, plus the drive. Dr. Titus will operate by appointment only. Signs will be limited and hours will be limited from 8 a.m. to 8 p.m. except for emergencies.

Mrs. Henderson said she did not understand the inspection report from the County -- it says "frame house" and this one is brick. Will he use both floors of this house, she asked?

He plans to use only the first floor, Mr. Hansbarger said; maybe he would have someone live on the second floor. Dr. Titus is a general practitioner.

In this case, Mrs. Henderson said, she wondered whether seven spaces would be enough.

Dr. Titus has been working on a part time basis for two years with Drs. Elam and McKnight and these are very busy general practitioners, Mr. Hansbarger stated, and parking has never been a problem.

Dr. Titus can have two employees so this means three cars on the property, Mrs. Henderson said. The garage appears to only hold one car so this leaves only five spaces for patients and she did not think this would be enough. Dr. Provenzano has 25 spaces and patients park all along the streets.

There is room for additional parking without infringing upon the 25 ft. setback, Mr. Hansbarger assured the Board.

No opposition.

In the application of Lt. Cmdr. JonathanTitus, application under Section 30-7.2.6.1.10 of the Ordinance, to permit office for general practice of medicine, 8228 Old Mt. Vernon Highway, Mount Vernon District, Mr. Baker moved that the application be granted to Dr. Titus only, for one doctor and two employees with the present parking spaces, and in the event another doctor wants to go in with him notice should be given to the Board showing additional parking spaces. For the present he should provide seven outdoor and one indoor parking spaces. Seconded, Mr. Yeatman. Carried 4-0.

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REBA F. FORD, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 1808 Olney Road, (R-10), Dranesville District, Map No. 30-3 ((18)) 20, S-30-69

Mrs. Ford stated that she wished to have a beauty shop in her home so that she could be home with her children. Customers would come from the surrounding area of Pimmit Hills. She has lived in this house for 1 1/2 years and will be here for at least another year or two. She has seen the Inspections report and can meet all of their requirements.

REBA F. FORD - Ctd.

Mrs. Henderson advised Mrs. Ford that she would have to provide parking on her property meeting the setbacks required by the Ordinance; customers could not park on the street.

Mr. Ford stated that there was a sharp slope in the back of the house and they could not possibly construct parking spaces and maintain the 25 ft. required from the parking line.

Opposition: Mr. Charles Taylor, President of the Pimmit Hills Citizens Association, spoke in opposition to the application. There is an established beauty shop in the shopping center and another one will be available in 1969. This beauty shop is not absolutely necessary to supplement the family income. They have opposed all of the home beauty shop applications in Pimmit Hills. One application was granted, but it is not in operation.

That permit has expired, Mrs. Henderson said, since it has been more than one year since the Board's action.

Mrs. Rawlson, living adjacent to Mr. and Mrs. Ford, presented an opposing petition along with her personal letter of opposition.

Mrs. Natalie Yourigan, owner of the salon in Pimmit Hills Shopping Center, stated that she felt that her beauty shop was sufficient for the area. There is a new beauty shop at Tysons Corner and one at Westgate which will reduce a few of their patrons and if Mrs. Ford would like to, Mrs. Yourigan would like to see her about a position in her salon.

Mr. Ford, in rebuttal, told the Board that there was already a construction business on Olney Road which is in operation.

He was told by Mrs. Henderson that this is permitted by right under the ordinance. A man can have his office in his home. Do you own the house, she asked Mr. Ford?

He has a lease on it, Mr. Ford said, with an agreement to renew as long as he is in the area.

In the application of Reba F. Ford, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 1808 Olney Road, (R-10 zoning), Mr. Yeatman moved that the application be denied as the applicant stated they could not furnish the off-street parking that is required by the Ordinance. Seconded, Mr. Baker. Carried unanimously.

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DR. HERBERT H. HUGHES, app. under Sec. 30-7.2.6.1.10 of the Ordinance, to permit office for the general practice of dental medicine, 2300 Sherwood Hall Lane, Mount Vernon District, (R-17), Map No. 102-1 ((1)) 6 & 7 and Outlot A, S-31-69

Mr. Dennis Duffy represented the applicant. Dr. Hughes has been in practice for eleven years in this area with a total of fourteen years in his profession, Mr. Duffy stated. He currently has his office in Alexandria and he plans to use this property at 2300 Sherwood Hall Lane as his sole and only office. There would be Dr. Hughes and two employees at the present time, with another doctor likely to come in in the near future. Hours of operation would be from 8 a.m. to 6 p.m. Monday thru Friday. 12 parking spaces will be provided, meeting all setback requirements of the ordinance. There is a storm drainage problem in the area and Mr. Hall, the adjoining neighbor, will show some pictures of the water that stands in the bluestone driveway. They have discussed this problem and have come to the conclusion that the problem exists due to the fact that under the driveway is a single 30" pipe and coming into that from slightly upstream are three 66" pipes. Dr. Hughes will do whatever is required of him by the County to alleviate this problem. The upstairs part of the house will be used as storage space, not as office space.

William Dowdy represented Mr. and Mrs. Robert Hall and showed pictures taken on three different occasions in the last three years showing the seriousness of the flooding problem. The house is most attractive and he would like the record to show that his clients are not opposed to the setting up of a dental office but are concerned about the water problem.

Is this problem correctable, Mrs. Henderson asked?

Mr. Knowlton reported that at the staff meeting when various members of the staff discussed this case, Mr. Garza stated that extensive drainage construction appears to be necessary. He is out today trying to get more information as to how. As far as the pipe under the driveway is concerned, there was no violation, except that it would create problems in getting through the site plan process. Something will have to be done to correct it. Site plan would take care of this before the occupancy permit could be granted.

No opposition.

February 25, 1969

HERBERT H. HUGHES - Ctd.

In the application of Dr. Herbert H. Hughes, application under Section 30-7.2.6.1.10 of the Ordinance, to permit office for general practice of dental medicine, 2300 Sherwood Hall Lane, Mt. Vernon District, Mr. Yeatman moved that the application be granted and that they provide 12 parking spaces as shown on the plat. From the recommendation of the staff, the applicant will have to dedicate and build forty feet from the center line on Sherwood Hall Lane and all drainage problems will have to be corrected in accordance with the County Code. Site plan will be required for this operation and it must meet all other requirements of the County Codes. Seconded, Mr. Baker. Carried unanimously.

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SHASTA CERAMICS, app. under Sec.30-7.2.6.1.3 of the Ordinance, to permit use of basement in residence for conducting ceramics classes and related activities, 6776 Little River Tnpike., Annandale District, (R-17), Map No. 71-2 ((5)) 25, 26, 27, 28, 45, 46, 47, 48, S-32-69

Applicant was not present. The application was placed at the end of the Board's agenda.

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WILLIAM R. WALLIS, application under Sec. 30-6.6 of the Ordinance, to allow construction of addition to 27.78 ft. from unbuilt Davis St., 2609 Popkins Lane, Mt. Vernon District, (R-17), Map No. 93-3 ((7)) (1) 1, V-33-69

Mr. Wallis stated that his property is next to the Groveton High School but there is a 20 ft. drop between his property and the school. There is a dedicated Davis Street which is unconstructed past his property, but it is constructed north of Popkins Lane.

Mrs. Henderson asked what the possibilities were of this being constructed.

There are two possibilities, Mr. Knowlton said: It may be vacated to keep the apartments being developed to the south from using this as access or it may be constructed by the apartment developers themselves in order to get out that way. The apartments do have frontage on the end of the road.

Mr. Wallis said he wishes to add one bedroom and family room on his house. He has four bedrooms and he needs five as he has six children. The house was built in the early '50's but he moved here only last December.

The Board again discussed the possibilities of Davis Street being vacated or constructed for use by the apartment dwellers.

Mr. Cohn, representing the builders, stated that there is no other land on this property where any addition could be constructed. The proposed addition would be no closer to t he side line than the existing building already is.

No opposition.

In the application of William R. Wallis, application under Section 30-6.6 of the Ordinance, to allow construction of addition to 27.78 ft. from unbuilt Davis St. 2609 Popkins Lane, Mt. Vernon District, Mr. Baker moved that the application be approved. Seconded, Mr. Yeatman. Carried unanimously. Mrs. Henderson stated that she voted for the motion for the reason that this lot is zoned R-17 and is considerably less in area than required under today's ordinance. Also, because there is some doubt that Davis Street will ever be built. There could be no expansion here without some sort of variance and the shape of the lot has something to do with it.

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DEFERRED CASES:

FAIRFAX LITTLE LEAGUE, INC., application under Section 30-7.2.8.1.4 of the Ordinance, to permit construction of four Little League fields, together with snack bars and lighting facilities for the fields, located on Braddock Rd., Lot 2, Grace J. Kelley Subdivision, Centreville District, (RE-1), Map No. 66 ((16)) 2, S-17-69 (deferred from Feb. 11)

Letter from Mr. Hurst, attorney, requested that the application be withdrawn; they do not wish to use this property even on a temporary basis.

Mr. Barnes moved to allow the application to be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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February 25, 1969

The Board scheduled April 29 as a special meeting.

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AMOR R. SAMSON, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 3424 Memorial St., Lot 91, Sec. 3, Groveton Heights, Lee District, (R-17), Map No. 92-2 ((1)) 91, S-22-69 (deferred from Feb. 11)

Mrs.Henderson stated that she had viewed the property and it seemed feasible that parking could be put on the property; at least one tree would have to come down and a branch of another one. The frame guest house to her looked like the perfect setup for this type of operation. There should be no advertising and no sign of any kind to indicate that this operation is taking place there; this is for the convenience of the neighborhood, if granted.

Report from the Health Department said there were no objections to the use provided plans for the shop are submitted to them and approved.

In the application of Amor R. Samson, application under Section 30-7.2.6.1.5 of the Ordinance, to permit beauty shop as home occupation, 3424 Memorial Street, Lot 91, Section 3, Groveton Heights, Lee District, Mr. Baker moved that the application be granted with the parking spaces as shown on the revised plats. Granted to the applicant only. Hours -- Wednesday and Saturday from 9 a.m. to 6 p.m. and Thursday and Friday from 12:30 to 9:00 p.m. Seconded, Mr. Yeatman. Carried unanimously.

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SHASTA CERAMICS, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit use of basement in residence for conducting ceramics classes and related activities, 6776 Little River Turnpike, Annandale District, (R-17), Map No. 71-2 ((5)) 25, 26, 27, 28, 45, 46, 47, 48, S-32-69

Mr. Deckard stated that Mrs. Deckard and Mrs. Taylor will conduct these classes, and they will offer classes two or three days a week for at least two or three hours. They would only sell materials to the students for use on the premises.

Mrs. Deckard described the method of ceramics -- this is porcelain which is not available in any other studio, she said. The largest figurine would be about 14 inches tall. People usually come to classes two in a car, so they figured with six students per class they would only need parking for three cars.

Mrs. Henderson thought four parking spaces should be provided. One space could be in front of the garage door with three in the rear.

Mrs. Deckard said she had seen the report from the Inspections Division and all of these requirements could be met.

No opposition.

In the application of Shasta Ceramics and Mrs. Edwin Deckard, Mr. Yeatman moved that the application be granted with the following stipulations: that there be one class a day, six pupils per class, six days a week; no Sunday operation, 10 a.m. to 5 p.m. with no sale of material on the premises except to students registered with the school. Dedication of service road according to plats presented has already been taken care of. All other conditions of the Inspections Departments and the County Codes shall be met. Seconded, Mr. Barnes. Carried unanimously. The applicant will be required to provide four parking spaces -- one in front of the garage and three in back.

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LENOX EQUITIES CORP. - Mr. Shor returned with his notices. The Ordinance requires length of town house fences to 20 ft., he stated, but they will create a sight distance hazard in this instance in backing out and they would like to reduce them to 10 ft. These houses will sell for approximately $31,000.

Mr. Knowlton said he had talked with the engineer in Mr. Chilton's office who was working on the site plan and they do not recommend on this one way or the other. They are fearful, however, that if this is granted it would set an unusual precedent particularly in light of the fact that the town house ordinance is so new. When this ordinance was drafted it was basically for the purpose of creating a privacy area for each individual town house. Most of this privacy area is taken up by driveway or sidewalk leading into the house.

A 10 ft. fence is going to look funny, Mrs. Henderson said, with cars all sticking out behind the fence. Why not have a 6 ft. high fence for 10 ft. length of the fence and the other 10 ft. out to the street could be 3 ft. high. This would not interfere with sight distance in backing the cars out.

No opposition.

February 25, 1969

LENOX EQUITIES CORP. - Ctd.

In the application of Lenox Equities Corp., application under Sec.30-6.6 of the Ordinance, to permit reduction of required privacy fence length from 20 ft. to 10 ft. minimum, located at 8th St. and Lincoln Avenue, Little River Village, Springfield District, Mr. Yeatman moved that the application be approved in part, provided that 10 ft. of the fence from the house be 6 ft. high and the other 10 ft. out to the street be 3 ft. high. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Baker. Carried unanimously.

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The meeting adjourned at 3:15 P.M.
By Betty Haines

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

May 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 11, 1969 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.

HOWARD T. SCOTT, app. under Sec. 30-6.5 of the Ordinance, appeal from the Zoning Administrator's decision - request that a 25 ft. easement along S. W. line of property be defined as a driveway, not a street, and that resubdivision plan be approved as submitted, resub. Par. 3A-1, Willard Rice Est., 10301 Burke Lake Rd., Springfield District, (RE-1), Map No. 87 ((1)) 29F, V-40-69

Mr. Scott stated that the property was originally subdivided as it is now, outside the subdivision ordinance. He is now submitting this one five acre parcel that was a part of the prior division for resubdivision under the Ordinance, into three lots. Each lot would be in excess of one acre. The frontage is slightly in excess of 450 ft. which permits three lots complying with the interior lot requirement under the Zoning Ordinance. When the proposed subdivision was submitted there was objection on the part of the Planning Engineer and the Zoning Administrator because there is a 25 ft. wide access easement lying along the southwest line of this parcel, providing access to two lots in the rear, and this access was interpretated as a street, therefore making the lot containing the easement a corner lot. He has appealed the decision because within the Zoning Ordinance this easement is clearly defined as a driveway, not a street.

Mr. Scott read the definition of a street in the Zoning Ordinance -- "a public or private thoroughfare however designated which affords the principal means of access to abutting property". The word "thoroughfare" is not defined in the Zoning Ordinance, however, Black's Law Dictionary defines it as a "street or passage through which one can fare, (travel) that is, a street or highway affording an unobstructed exit at each end into another street of public passage. If the passage is closed at one end, admitting no exit there, it is called a 'cul de sac.'" The said easement is clearly not a thoroughfare by this definition because it does not "exit at each end into another street or public passage", Mr. Scott continued.

Section 30-11.7 designates a right of way which is identical to said easement as a "driveway" or "travel lane" in paragraph 2, Mr. Scott went on to say: "Construction of vehicular travel lanes or driveways not less than 22 ft. in width which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property; provided that on any site bordering a state primary highway or adjacent to an existing service road in the state highway system, the developer of any site in lieu of providing travel lanes or driveways in order to provide vehicular travel to and from adjacent parking areas and adjacent property, may dedicate, where necessary, and construct a service road under county and state specifications for such. In such event the setback requirements shall be no greater if the service road is dedicated than the setback required without the dedication, except that in no event shall the building be erected closer than 10 ft. from the closest right of way line." This section applies to RM districts which would be expected to conform to more rigid zoning requirements than RE-1, Mr. Scott said, and it is eminently clear that under this provision, a vehicular right of way serving adjacent property is a driveway, and that setback distances appropriate for streets definitely do not apply.

Mr. Scott read the definition of a driveway - Section 30-1.7.3 of the Ordinance -- "that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street." Such driveway provides access to "off street parking" as required in Section 30-3.10. paragraph 30-3.10.3 of which clearly envisions cooperative use by two or more individuals, he said.

There are four other pertinent matters which he would call to the Board's attention, Mr. Scott stated: (1) the Virginia Code enables a County to adopt a subdivision ordinance and to create a Board of Zoning Appeals. Virginia Code defines a street: street means highway, avenue, boulevard, road, lane, alley or any public way" and he did not think anyone could consider a private easement to be included in that. (2) A private easement is not a permanent arrangement. If this interpretation is maintained it could easily be circumvented - he could negotiate with the owner of this easement to have it vacated and on that basis there could be no objection to the subdivision plans submitted, then after it is approved he could negotiate again and reinstate the easement. (3) He has found three subdivision plats which are inconsistent and found none where a variance was granted. The first one is Glen Cannon Subdivision, approved 12-2-68, developed by Vienna Development Corporation. This is in RE-1 district. He has reviewed this three times and can find no variance granted and no statement that this was approved for alternate density.

Mr. Chilton told the Board that in this instance a "pipestem" road plan was used and it appears this was developed under one acre cluster. There was a school site and park in this dubdivision to meet the requirements for open space for alternate density.

What is the difference between this and Mr. Scott's case, Mrs. Henderson asked? Why are the two lots on the side of the pipestem not corner lots?

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That abuts the adjoining lot 32, Mr. Chilton replied and the access is a part of the lot. It is a driveway to lot 32. If it were a separate piece of land for access purposes aside from being in fee simple ownership of lot 32 they would have to consider it something different.

Apparently Mr. Scott's easement is part of Lot 1, Mrs. Henderson said.

But it is not a part of the lot 1 which he owns, Mr. Chilton said. If he owned this strip out to Burke Lake Road and it was his exclusive driveway it would be different.

They will not let him have a pipestem arrangement, Mr. Scott said.

Mr. Knowlton explained that the pipestem represents the requirement that there is no minimum lot width but it is part of the lot and this is only possible when the subdivision is under the alternate density system. It is not a corner lot because there is no street adjacent.

This plan is not relative to Mr. Scott's argument, Mr. Smith said, because it is not a similar situation. Mr. Scott is only asking to subdivide a five acre parcel into three lots and this is not under the cluster subdivision provision where the developer donates school and park sites, etc.

When you talk about corner lots, Mrs. Henderson said, one point is that in the alternate density when it says "there shall be no minimum width on interior lots" it says nothing about corner lots.

It is strictly policy, Mr. Knowlton pointed out, dating back a long time ago, that the alternate density allows for certain size lots and in order to create lots of this size corner width requirements are inconsistent with the requirements of the Code so they administratively drop the lot frontage on a corner lot down one category.

Mr. Scott called attention to an approved subdivision plat dated 6-7-68 consisting of three lots in R-12.5 zoning developed by Carl L. Stone, which he felt was similar to his proposal.

Mr. Smith said he did not feel that any of the situations referred to by Mr. Scott had any direct association in any way with his application. There is a problem here as far as frontage is concerned and it should be considered on the basis of hardship on this particular lot as far as setback.

Mrs. Henderson disagreed -- it is not a hardship because it simply amounts to the fact that there is not enough frontage to create three lots; it is a frontage matter and not enough room unless Mr. Scott could acquire a piece of land from Parcel 4B.

If the Board decides this easement is a street as it now exists, Mr. Scott said, he would plan to have the subdivision plat redrawn, provide the width requirement for the lot that contains the easement to conform with the corner lot requirement and have two lots fronting on this proposed street. If his appeal is denied on the basis that this is a street and two months from now he came back with two lots fronting on this easement and it is rejected because it is not a street, this is rather inconsistent.

The Ordinance requires that these lots be on a public street, Mr. Knowlton said; this is a private street and this is why he thought it would have to go to the Board of Supervisors administratively and be approved as a variance to street frontage requirements.

Mrs. Henderson read a letter from Donald C. Stevens, County Attorney as follows:

" To: J. Overton Woodson, Zoning Administrator dated February 4, 1969

From: Donald C. Stevens, County Attorney

Reference: Resubdivision of Parcel 3A-1, Willard Rice Estate

You have requested my opinion concerning the defensibility of your determination that the easement for ingress and egress lying along the southerly boundary of proposed lot 1 of the above resubdivision is a street, making such lot 1 a corner lot, requiring a minimum frontage of 175 ft.

The proposed resubdivision is in an RE-1 zoning district, for which minimum lot width as required by column 3 of the schedule of regulations is "Interior lots shall have a minimum width of 150 ft. Corner lots shall have a minimum width of 175 feet."

Section 30-1.4.3.1 defines corner lot as follows: "A lot at the junction of and abutting on two or more intersecting streets, when the interior angle of intersection does not exceed 135 degrees."

Section 30-1.7.8 defines street as follows: "A public or private thoroughfare,

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however designated which affords the principal means of access to abutting property."

Black's Law Dictionary defines the word thoroughfare as follows: "The term means, according to its derivation, a street or passage through which one can fare, (travel;) that is, a street or highway affording an unobstructed exit at each end into another street or public passage. If the passage is closed at one end, admitting no exit there, it is called a cul-de-sac."

Webster's Seventh New Collegiate Dictionary defines thoroughfare as follows: "1. a way or place for passage; as a - a street open at both ends, b - a main road; 2. a - passage, transit; b - the conditions necessary for passing through."

First, it appears to me that a perfectly reasonable interpretation of the definition of thoroughfare contained in Black's Law Dictionary is that a thoroughfare closed at one end is called a cul de sac, and that there is no absolute determinate that a thoroughfare must be bounded on both ends by a public right of way.

As is apparent above, the Webster's definition, while including the definition alluded to by Mr. Scott, is not limited to a passageway connecting to a public right of way at each end.

Finally, it seems to me that your determination is a perfectly reasonable one, reading the entire section 30-1.7.8 as a whole. It is apparent that the easement for ingress and egress in question is the principle means of access to the property a butting the proposed resubdivision. Should the residue of parcel 3 served by this easement for ingress and egress be subdivided and developed, there would doubtless then exist a public street in such residue, and the connection which Mr. Scott feels is requisite to the existence of a thoroughfare. Certainly, it must be assumed that the Board of Supervisors, in adopting the existing zoning ordinance, had in mind the manner in which property in the County of Fairfax develops, to-wit: the properties to the rear, in precisely the same position as the residue of parcel 3 in this case do not always develop prior to or coextensively with properties having frontage on the public street, and that therefore it is to be anticipated at some point of time in the future, lots such as lot 1 would become in fact corner lots.

In my opinion, your determination that the proposed lot 1 is a corner lot is a not unreasonable one, and one which would be defensible before the Board of Zoning Appeals or upon litigation in the Circuit Court."

No opposition.

In the application of Howard T. Scott, application under Section 30-6.5 of the Ordinance, appeal from the Zoning Administrator's decision - request that a 25 ft. easement along S.W. line of property be defined as a driveway, not a street, and that resubdivision plan be approved as submitted, resub. Par. 3A-1, Willard Rice Estate, 10301 Burke Lake Road, Springfield District, Mr. Smith moved that the Board uphold the decision of the Zoning Administrator. Seconded, Mr. Barnes. Carried unanimously.

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SUN OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of building 25 ft. from Old U. S. #1, 5928 Richmond Hwy., Lee District, (C-G), Map No. 83-3 ((1)) 67, 68 & 69, V-41-69

Mr. George Feise represented the applicant.

Mr. Knowlton pointed out the location of the property between Old Route 1 and Route 1. A couple of years ago there was an application before the BZA for construction of an additional bay on the existing station which was denied, he said. The applicant has now acquired the three parcels and would like to construct a new station.

The addition of the extra bay was denied as being too great a variance, Mrs. Henderson recalled, and it was found that a four bay station 29 ft. deep could be built on the property without a variance.

Mr. Smith asked if there would be pump islands on the old U. S. #1 side?

No, Mr. Feise said. There would be one access to old U. S. #1, however.

Mrs. Henderson suggested moving the building location to the middle of the lot where they could get a greater setback.

They would have to put the islands closer together if they do that, Mr. Feise replied, and if they move the building closer to Route 1 they would restrict themselves as far as the number of islands is concerned.

Mr. Smith suggested that this application was similar to one at Tyson's Corner where the Board granted a variance under similar circumstances to another distributor.

Mrs. Henderson said she thought there should be no curb cuts onto Old U. S. #1.

This would be poor planning, Mr. Smith said; people from that area would have to come all the way around U. S. #1 which is a heavily traveled highway, and then get back into this service station. Also, to require the applicant to move his building up an additional 25 ft. would provide an inconvenience to the patrons and create a hazard on entering and exiting from the building.

Mrs. Henderson pointed out to Mr. Smith that he was the one who made the motion to deny the previous application on the grounds that it was too great a variance (there was only 1 ft. difference) -- what is different now, she asked?

They have doubled the amount of property now, he said.

If they have more land, it seems the request is less logical than it was before, Mrs. Henderson contended. Why couldn't the building be moved over closer to the Shell station, she asked?

Then the building would be completely out of view and they still could not fit the building in, Mr. Feise said. They want to get the building out where it will be seen, not hide it behind another building.

Mr. Carl Hink asked what would happen to the parcel that is being leased to Shell until 1978.

Mr. Feise said this was not a part of the application.

Mr. Knowlton described the area -- Parcel 1 is vacant; 2A contains a restaurant; 2 a motel; 67 contains a Shell station; 68 contains a building of some kind which is not in use right now; 69 contains an existing Sunoco station; 70 contains service station. Then comes Huntington Avenue with a real estate office and billboard on the corner. The State Highway Department proposes to create an intersection at this point whereby Fort Hunt Road would cross and become part of the road behind it. In the staff report it is requested that as a condition of granting, the applicant dedicate approximately 8 ft. which is necessary to get the sidewalk, and an undetermined amount in the back.

Mr. Hink felt that more information should be developed as to future dedication requirements on Old U. S. #1 before the Board grants a variance. The application is premature at this time and could set a precedent in this triangle of land.

Mrs. Marilyn Klein represented the Mount Vernon Council of Civic Associations in opposition. She pointed out that the application was advertised as being in Mount Vernon District when actually it should have been Lee District. Also it seemed that the Shell parcel had been advertised as being a part of this -- doesn't this invalidate the proper advertising, she asked?

The acreage is not advertised, Mrs. Henderson said, and although the wrong district was listed (this was taken from the earlier application and since then the districts have changed) the lot numbers were listed in the application and this was posted and advertised; the Board can hear a part of an application and grant less than is required.

Mrs. Klein stated that she has been a member of the Route 1 Study Committee for some four meetings, and they are deeply concerned about the future of Route 1. This application has a bearing upon the safety of Route 1 itself. This proposal utilizes public right of way at least in part as a service drive and she thought this raised a precedent in terms of equity; it is meaningless to call a road a service drive if it does not act like one, she said. These are extremely small parcels and if this variance is granted she could see no reason why there would not be similar applications in the future from the other two gasoline stations. They need less variances along Route 1 - not more of them. She urged the Board not to grant the application today; if they wished to deny, she would be delighted but if there is any thought of granting it at all, it should be deferred today for more information.

Mrs. Henderson pointed out that if Mrs. Klein objected to the use, it should be noted that the existing gas station could stay there indefinitely. A new building within the setback requirements of the Ordinance would upgrade the property.

So would a refacing of the existing building, Mrs. Klein stated.

The existing building does not meet the setback requirements from Route 1, Mr. Smith stated. The Board has no thought of granting a variance from Route 1; the only variance sought is from Old U. S. #1.

Mrs. Klein was apprehensive of having four accesses within this small area of Route 1, one block from the Beltway and less than that from the proposed interchange, and said this could scarcely be called good planning.

Service drives are required as the property develops, Mr. Knowlton said, and having a service drive in front of this property not connecting to anything else would be useless. If service drive is developed along Route 1 it is conceivable that the State

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Highway Department could come back and close some of the entrances which will give controlled access on U. S. #1 which is one of the eventual ways we hope to be able to get it back to an arterial highway.

Mrs. Henderson read the Planning Commission recommendation for denial of the application as not in the best interest of sound planning and to protect the health, safety and welfare of the community.

Mr. Barnes felt that the application should be deferred to find out more about the proposed intersection.

The present plans for this section of U. S. #1 are far from complete, Mr. Knowlton stated, and the only thing they have seen so far are preliminary drawings which do not show the curb moved back an appreciable amount -- he thought 3 ft. at the most.

Mr. Chilton stated that in line with what Mr. Smith had brought up about pushing the building back to the rear as close as possible with a minimum of at least 15 ft.setback, this would allow sight distance for cars coming out from the building before pulling out into the road. This would give greater distance from the front and allow for future service drive across the front, with the possibility of closing off that entrance if the service drive were continued.

If a serviced road were permitted along here, Mrs. Henderson commented, it would eliminate all the other buildings except this one.

Putting a service road here would mean that there would be three roads when you get to the intersection, Mr. Chilton said, and this is a real problem.

Is there any possibility of getting rid of old U. S. #1, Mrs. Henderson asked?

It will serve a good function, Mr. Chilton stated, bringing up Fort Hunt Road, crossing U. S. #1 and going on to Huntington Avenue.

Mr. Yeatman moved to defer the application for further study by the staff and the Sun Oil Company for approximately six months. Seconded, Mr. Baker.

There are other things which affect this application besides what the Board has before them, Mr. Knowlton stated. Within this six months period there will be consideration by the Planning Commission and the Board of Supervisors of the Northern Virginia Urban Needs Study; this includes the Potomac Freeway which as designed comes through this section. There are various other things in the Urban Needs Study which would affect this, and possibly six months is a good period. The applicant has a service station operating in the meantime.

Carried 4-1, Mr. Smith voting against the motion - he felt this was too long a period to defer.

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VETERANS OF FOREIGN WARS POST 8241, INC., application under Section 30-7.2.5.1.4 of the Ordinance, to permit operation of post home, and Section 30-6.6 to permit building closer to property lines than allowed by the Ordinance, Lot 23, Fairfax Land Co. Addn. to Ingleside, 1240 Oak Ridge Ave., Dranesville District, (R-12.5), Map No. 30-2 ((3)) 23, S-43-69

Mr. Conrad Marshall represented the applicant and told the Board that no fee was involved; he was doing this out of community spirit.

Mr. Marshall opened his presentation by giving some background information. The V.F.W. was founded in January 1964 in McLean, Virginia, and the present membership is 115. The present post home has been located at 6813 Elm Street for 3 1/2 years, and this one room facility has cost $190.00 a month with utilities. Until recently the McLean branch of Fairfax County Library was located immediately next door to them. In the application before the Board, they are requesting use of a structure as a temporary post home.

Mrs. Henderson pointed out that the only setback shown on the plat presented was 22 (15?) ft. from Lot 22. There is no indication of what the parking setback is, but it does encroach in the front. It should be at least 100 ft. off Oak Ridge Avenue. Why was this property picked that needed such terrific variances, she asked?

The V.F.W. has been looking for a location to establish a permanent home in the McLean area for a long time and have found this property which seems ideal for their needs, Mr. Marshall answered.

A new building on this property could never meet the setback requirements, Mrs. Henderson said, as it would have to be 100 ft. from all property lines, and the lot is only 200 ft. wide. There is no topographic problem and no reason for granting a variance.

There is park land on one side, the library on the other side, and the Popovich property on the third side where the variance is needed, Mr. Marshall continued. Land is expensive in the McLean area; they have searched for property for five years and there is no other place in McLean where they can go. The V. F. W. have been active in community affairs for the past five years but they cannot continue to exist under the present confining location they have. Going from one room to twelve rooms would give the number of rooms they need for their meetings and activities. The proposed building would be designed in conformity with other buildings that are existing and planned for this area.

They are asking for a temporary use of the existing building, Mr. Smith said.

They are asking for permanent use of the land, Mrs. Henderson pointed out, and already have permanent plans for the use of this land.

Mr. Smith said he felt it would be a compatible use with the library and park uses in the area, but he would like to see plans showing how close the proposed building would be to property lines.

What reason would there be for granting a variance on a permanent building except the fact that the land is too small, which is not a reason at all, Mrs. Henderson said.

As to the request for a variance on the temporary use, Mr. Marshall said he would like to point out that the distance between the location of the home and the property line of Popovich is approximately 14.8 ft. Distance between the structures is approximately 65 ft. There will be no noise to bother the people in the area. Under their existing use in the building on Elm Street, they have a maximum of ten members a night in attendance at their post home. This is not a drinking organization - it is a civic organization to serve the community.

Mrs. Henderson said she did not think anybody disputes the worthwhileness of this organization.

They have 115 members at present and expect to continue to grow, Mr. Marshall stated. Meetings of the membership are held two times a month.

How many members generally attend monthly membership meetings, Mrs. Henderson asked?

Approximately 29 to 30 people, Mr. Marshall replied. They have seen the report from the Inspections Division and they know they cannot use the upper story of the building.

Mrs. Henderson asked about social functions of the lodge.

They have no Saturday evening dances, Mr. Marshall explained. They have a bar and a beer license, and they have an annual barbecue on Clive DuVal's property.

Commander Carpenter stated that their hours are very flexible, normally up to 12:00 midnight. They are at present closed on Monday evenings to allow them to clean up. Meetings are the first and third Wednesdays each month from 8 p.m. to 10 p.m. and generally by 11:30 or 12:00 at the latest the entire post has been vacated.

Are you in a commercial zone now, Mrs. Henderson asked?

Mr. Carpenter said they were. In their present location they have been next door to the Fairfax County Library and directly across the street from McDonald's and have never had any complaints regarding their operation. Even on parking they have not created any congestion with only five parking spaces. Another question which has been raised was regarding increased traffic on Oak Ridge Road -- traffic in that area is going to increase because of the planned use for that area. When the community center builds its center there will be traffic all the time, not something that is caused by the V. F. W.

Mrs. Henderson asked for a justification for granting the variance under the terms of the Ordinance. Financial factors are specifically excluded.

One justification, Mr. Marshall said, is that this existing structure would only be for temporary use.

A new structure could not be built on the property and meet the setback requirements of the Ordinance, Mrs. Henderson said.

Mr. Charles Tabler stated that it is impossible to find a location for the post home and when they found the proposed location, they felt that one acre was tremendous compared to what they have now, and had no idea that it would not be enough land.

Opposition: Mrs. Elizabeth Popovich, 1232 Oak Ridge Avenue, adjoining this property, pointed out that her husband is not a member of the V. F. W. and he is not in favor of this variance, and he at no time has given or promised an option on their property to anyone.

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Mrs. Popovich presented a petition with 159 signatures opposing the application. A lady from Hansborough Addition contacted her and asked for a petition to circulate and returned it with 33 signatures, she said. A lady on Chelsea Road circulated a petition and obtained 18 names. These residents are opposed to alcoholic beverages being sold on the premises in a residential neighborhood; inadequate parking; increased traffic; detracting from the library and community complex and the adverse effects this would have on teenagers.

Mrs. Popovich presented a petition with 36 signatures signed by every property owner on Oak Ridge Avenue and all on Hickory Hill Avenue, and every property owner from Ingleside to Dolley Madison with the exception of four, she said, one of which is the owner of this property, one is out of the country and two are out of the state. This petition opposed for the same reasons as the first one, as well as disturbing the peace and quiet of the neighborhood, and the confusion caused by large crowds attending social functions of the club. It would also lower property values.

Mrs. Popovich referred to Section 30-7.2.5.1.4.1 of the Ordinance, specific requirements concerning such uses -- "Every building shall be located at a distance of not less than 100 ft. from any property line." The building on this property is 15 ft. from a property line so this means an 85 ft. variance. This house was not built to accommodate crowds and it is not soundproof. With the windows open now they have heard voices of the people living in the house -- imagine noisy crowds, cars coming and going, loud parties and jukeboxes. The Zoning regulations were made to protect the citizens of the County, not made to protect just a few.

Mrs. Robert T. Andrews representing the McLean Citizens Association appeared in opposition urging the Board to deny the request. She pointed out that their opposition did not reflect in any way upon the members of the V. F. W. as they are a fine group who have contributed to the community. She hoped that they would be able to find quarters in McLean and continue their good work, however, the McLean Citizens Association have consistently supported the County regulations and feel it should be very special circumstances to warrant a variance to these regulations. None of the reasons given by the V. F. W. warrant the granting of a variance of 85 ft.

Mr. Smith felt that it would be good if the Park Authority could provide land for civic and community use by organizations.

Mrs. Henderson noted three letters in opposition -- from Mrs. W. M. Bresland; Mr. William Covell; and Mrs. James Bick. General premise is that it is not compatible with the civic center or library and it allows use of alcoholic beverages on the property.

The Planning Commission recommended denial of the application.

Mr. Marshall, in rebuttal, reviewed the good works of the organization, and they would have to go to Great Falls, he said, to find another location which would be out of their area. They want to feel they are a part of the community.

Mrs. Henderson read a memorandum from the Fairfax County Park Authority which stated that this type use is not considered to be the most appropriate to be associated with a public park, and not considered to be the type of facility they would find completely desirable for this proposed complex.

Have they considered moving out of the center of McLean, Mrs. Henderson asked?

When they get out further into the country they get into estate areas, Mr. Marshall stated, and the opposition would be more than they have experienced today.

The applicant has stated personal and financial reasons for requesting a variance, Mrs. Henderson stated, but it has to be a topographic reason showing that the land cannot be used otherwise. The sole matter is that they do not have enough land to meet the requirements of the Ordinance. There is nothing about a narrow, shallow lot and no unusual physical condition here. The Board has to follow steps to find that unusual circumstances or conditions applying to the land or building for which the variance is sought pertain; this does not apply to this land.

The Ordinance is very restrictive, Mr. Smith said; he knows these organizations and they are not noisy during their meetings. Their primary purpose for wanting the post home is to allow them to increase their activities in the community. As much as he would like to see this organization locate here the Board is faced with the responsibility of carrying out the dictates of the Ordinance. This is something on which the organizations themselves should get together with the Board of Supervisors to discuss to see if the ordinance could be changed.

Mr. Smith moved to defer final decision for 45 days to take a look at the area and to give these people time to explore the possibility of utilizing park land and other land in the area. This problem should be brought to the attention of the Board of Supervisors and community as a whole. Seconded, Mr. Yeatman. Mrs. Henderson voted against the motion as she felt it should be denied today. She did not think the Ordinance would be changed in 45 days. Carried 4-1.

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KENNETH MORELAND, app. under Sec. 30-7.2.8.1.2 of the Ordinance, to permit boarding of horses, on northerly corner of Old Keene Mill Rd., and Pohick Rd., 10000 Pohick Rd., Springfield District, (RE-1), Map No. 88-1 ((1)) 6 & 7, S-47-69

Mr. Moreland stated that the application includes the entire amount of land but only the 5 acre cleared area in the center would be used. It is screened from the road and makes a nice presentation. Mr. Moreland said that he has horses now as a temporary stable for keeping them. He would like to build a stable for 15 horses and board horses for teenagers and give them a place to ride in a good wholesome atmosphere. This would be an asset to the community because of the presence of the park. There is an easement for a major power line and this would be a good place for the children to ride. There would be a maximum of 17 horses including his own.

Do you plan to have riding paths through the woods, Mrs. Henderson asked?

It is quite wooded now, Mr. Moreland replied; maybe in the next year he might run a bulldozer through there and develop fire trails. At the present time they don't plan to teach any riding classes. He will put in a ring for the children to practice and train their horses.

Mr. Barnes pointed out that in the past the Board has limited the number of horses to one horse per acre, and Mr. Moreland would only be allowed to have fifteen horses on the property.

Mr. Rice spoke in favor of the application.

No opposition.

Mr. Smith pointed out that if the use permit is granted for this use, it would only be for the 15 acres of land. The Board does not grant authority to the applicant to use Pohick Road or Old Keene Mill Road for riding purposes and neither can the Board grant permission to ride on the park property. The use permit is for the 15 acres and would restrict them from using Pohick and Keene Mill Roads. The Board cannot stop them but they cannot grant permission for them to ride there.

Mr. Moreland said he would be concerned about the safety of the children and would do all he could to encourage safety.

The individuals who utilize the boarding services should be aware that Mr. Moreland is not responsible for them if they go out on the road, Mr. Smith said.

Have you seen the staff recommendation, Mrs. Henderson asked?

Yes, and he was concerned about the 80 ft. from both roads, Mr. Moreland replied, and at this time he was not prepared to dedicate 3 acres to the County.

There are means of having the site plan waived, Mrs. Henderson suggested.

Mr. Knowlton stated that such requests as this are granted administratively and are not too difficult to obtain. It has always been staff policy to present these requirements to the Board based on the community facilities plan for the Pohick Watershed.

How far does 80 ft. from the center line go into his land, Mrs. Henderson asked?

About 50 ft., Mr. Knowlton said. Basically they are talking about a right of way of 30 ft. which could be as much as 65 ft.

This would take off 50 ft. of his front yard, Mr. Moreland said. He has just built the house and this would not be good at all.

It is not suggested that you build the road, Mrs. Henderson stated, but it would be dedicated for future widening. The Board has required this on all use permits.

In all areas where the Park Authority land is not wide enough for the dedication Mr. Moreland should dedicate the land to provide the widening along there, Mr. Smith said.

If there is a strip of land however narrow, Mrs. Henderson said, that belongs to somebody else in between his and abutting Pohick Road, whenever it comes to construction and whatever is needed there, it should be through condemnation. Only where his property abuts the road should be required to dedicate.

In no place where he would not have direct access would he be required to dedicate, Mr. Smith said, but anything giving him direct access to Pohick Road after it is widened he should provide dedication for widening where the Park Authority land is not adequate. Any place where road widening is done and touches his property he should dedicate the necessary land for widening the street.

Mr. Moreland said he had talked with the Highway Department and they say that any realignment of the road at this time or in the near future would foul up things and they did not want to plan on anything like that.

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KENNETH MORELAND - Ctd.

If there is need for additional land for widening Mr. Moreland should provide it under the terms of the use permit, Mr. Smith said. If the road is realigned and comes down to touch the entire length of his property on Pohick Road, it would not be intended that he provide all of the widening but only half of it. This means that each property owner would have a similar dedication or condemnation.

Mrs. Henderson was not in favor of provisional dedication in the future.

It might be to the applicant's benefit, Mr. Smith said, to defer final decision on this for a brief period of time so Mr. Chilton could be present. The Board of Supervisors owns all of this land on one side of Pohick Road and in all probability might provide all the area for the entire widening. In this event it would not be necessary for the applicant to dedicate, however, as it stands today the Board should require dedication as recommended by the staff and in the event it is not needed the land would revert to him.

This would not give clear title to his land if he were to sell in the future, Mr. Moreland pointed out.

Mr. Chilton said he did not know what the circumstances were on the land across the street - he did not know whether the Board of Supervisors have acquired title to it. He would be inclined to go along with the usual procedure of requiring dedication of one half the width on the other side, he said.

Mr. Moreland again pointed out that the State has no plans for the near future and it would be inconvenient and would ruin the looks of his house if he took a 50 ft. bite out of his front yard.

The road would not be built right now, Mrs. Henderson said. If the road were widened completely on the other side this frontage would revert to Mr. Moreland, but if they decide to split it, the road is going to be in front of his property anyway.

No opposition.

In the application of Kenneth Moreland, application under Sec. 30-7.2.8.1.2 of the Ordinance, to permit boarding of horses, on northerly corner of Old Keene Mill Road and Pohick Road, 10000 Pohick Rd., Springfield District, Mr. Smith moved that the application be approved for a maximum of 15 horses at any one time on the 15+ ac. of land. A condition of the permit be one that the applicant dedicate 80 ft. from center line of Pohick Road and to 55 ft. from center line along Keene Mill Road for purposes of widening those roads and for that purpose only. All other provisions of the Ordinance pertaining to this application shall be met. Mr. Smith clarified his motion by saying that any place road widening would necessitate a dedication for widening the road as proposed; this is a staff recommendation and they are charged with the responsibility of providing good roads for the County and it takes long periods of time to do it. This is the same procedure used in all other cases by the Board. Where the widened road does not touch Mr. Moreland's property, he would not be required to dedicate. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the application.

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F. SOUEID & ASSOCIATES, LIMITED PARTNERSHIP, app. under Sec. 30-6.6 of the Ordinance, to permit variance from RE-1 setback requirements to enable widening of Covington St., 3100 Covington St., Providence District, (RE-1), Map No. 48-4 ((1)) 20, V-46-69 and application of

F. SOUEID & ASSOCIATES, LIMITED PARTNERSHIP, app. under Sec. 30-6.6 of the Ordinance, to permit variance from RE-1 setback requirements to enable widening of Covington St., 3110 Covington St., Providence District, (RE-1), Map No. 48-4 ((1)) 21, V-45-69

Mr. Knowlton stated that to the rear of this property is land zoned RT-10 for town house purposes. Preliminary plans have been submitted. In order to get access to this property a road must be created in this vicinity allowing access to Route 50. This road already has a 50 ft. right of way past the first three lots. The state is not widening this road; it is being widened by the applicant who owns a strip of one of the lots in question. The road would be turned over to the State after construction for maintenance. At the time the applications were filed the exchange in ownership had not taken place. On the Davis property there was an agreement entered into between the applicant and the Davises and the Davises have agreed to convey that strip; the mortgage company has agreed, the mortgage on that property is guaranteed by V.A. - a waiver is being awaited at the moment but there will be no problem on that.

Mr. Ronald Walutes represented the applicants. 10.3 ft. is the closest this would be to the Davis house and 13 ft. from the Putnam house, he said. They have nothing to do with the houses; all they have acquired is the strip which will be used for road widening. Putnam and Davis will continue to own their own houses.

No opposition. In the above applications, Mr. Smith moved that the applications be approved as applied for in conformity with plats submitted, showing the two houses in the names of Putnam and Davis, within 10.3 ft. of the Davis house and 12.5 ft. from Putnam; this is to enable the applicants to widen the existing right of way to a 50 ft. road to provide access to proposed town house development. It is understood that construction and dedication to state standards will be provided by the applicant or his agent. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RUDD & RUDD, app. under Sec. 30-6.6 of the Ordinance, to permit construction of warehouwe with setback of 50 ft. from adjoining residential property, 6724 Fleet Drive, Lee District,(I-P), Map No. 91-1 ((1)) 34, V-42-69

Mr. Bernard Fagelson represented the applicant. This property was rezoned within the last year, he said, and the house now existing on the property will be removed. On the adjoining property on the side where the variance is requested is a gravel pit operation. He showed a copy of the restoration plan and because of the contours and topography it would be impossible to build any house closer than 80 ft. from the above mentioned property, or 160 ft. from the building which they propose to build. In addition, after the contours have been restored, the applicant's property will be considerably higher and if screening requirements are added, plus a fence, it is obvious that people living in the area, if it is ever developed residential, would not have any contact with the applicant's property. This will be a masonry warehouse, cinderblock with brick finish. It will be a one story building, approximately 20 ft. high. There is more than enough land to provide adequate parking.

Mr. Fagelson said that his client had anticipated County requirements and had authorized him to say they will be glad to make the required dedication.

No opposition,

In the application of Rudd and Rudd, application under Sec. 30-6.6 of the Ordinance, to permit construction of warehouse with setback of 50 ft. from adjacent residential property, 6724 Fleet Drive, Lee District, Mr. Smith moved that the application be granted. All other provisions of the Ordinance pertaining to this particular application shall be met. The applicant should be required to dedicate along Fleet Drive 30 ft. from center line and 40 ft. from center line of Beulah Street for the purpose of widening these two roads. The entrance should be moved away from the intersection. Seconded, Mr. Barnes. In justifying the variance it should be pointed out that there is an unusual situation on the adjacent residential property, Mrs. Henderson said, which is being used as a gravel pit, and after it is regraded any residential dwelling built upon it will be so much lower; this creates an unusual situation. Carried unanimously.

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HAYFIELD FARMS SWIM CLUB, INC., application under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of community pool, bath house and park area, on southerly side of Hayfield Rd., Lee District, (R-12.5), Map No. 100 ((11)) Par. E, S-49-69

Major William S. Bates, President of the Swim Club, stated that the club was organized to meet the desires of the community and they currently have 221 members who are fully paid; they expect to grow to 400. The community has approximately 428 families and will grow to 684 within the next year. The bath house will be of Colonial brick. The pool will be fenced in accord with the County code and they will construct a fence to the rear and northeast side of the property adjacent to the Townsend residence. A small park area will be between the pool itself and the Townsend residence and landscaping plans for this site are in progress now. They plan to provide 135 parking spaces on the property. The developers, Wills and Van Meter, will give the land to the Swim Club. The park area will have no activities there - they will plant trees in that area to help with the screening process. Hours of operation will be 9 a.m. to 9 p.m. and they have not planned for any teen or adult nights.

Mrs. Henderson asked what would be done about the open paved ditch in the rear of this property.

They will put a fence along the side of the ditch, Major Bates replied.

Opposition: Mr. Derring, representing himself and the citizens living along Hayfield Road, presented a petition with signatures of 13 people in opposition. Their reasons for opposing were as follows: vehicular traffic to and from the use will be hazardous to the residential character of the neighborhood; will be inconvenient to the neighborhood; and the special use permit will adversely affect the use of adjoining property. He did not feel that 134 parking spaces could be provided on the property without going into flood plain.

Most of the land because of Dogue Creek is in flood plain, Mr. Knowlton said, but the line shown on the map as flood plain line that does go into this property is what they call a 100 year flood plain line and actually except for a certain number of days a year there is even more land down there which is dry. This parking lot is not really going to harm anything if it is built up out of the flood plain.

Mr. Derring asked why did the applicants not put the swim club on the vacant property at the top of the map?

There is access to that area, Mr. Bates said, but that area also is in flood plain.

Mr. Derring discussed the traffic problems in the area already and feared what would happen if cars from the pool parked along the road. Another objection to this pool site, he said, is that it is not large enough to serve all the members in the community.

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HAYFIELD FARMS SWIM CLUB, INC. - Ctd.

It has been the Board's experience, Mr. Smith said, that in a community of 600 - 700 families, not more than 400 ever participate in pool membership, and as to the parking along the street -- if this happens it should be reported to the Zoning Administrator immediately and the Pool Association would be called in to show cause why their permit should not be revoked.

Col. David Pinkerton, 7881 Hayfield Road, objected because of noise, trash, increased traffic, and stated that this parking lot would become a "lovers lane" after dark.

If the application is granted, Mrs. Henderson said, there could be a provision that the gate be locked when the pool is not in use.

Col. Pinkerton said he also feared that property values in the area would be adversely affected if the pool goes in.

The Board has never had any specific evidence that property values are reduced by the installation of a pool, Mrs. Henderson pointed out.

Mrs. Pinkerton told the Board that it is difficult to look at a map and see how congested the area really is, how close the houses are together, and where the pool area is to be, etc. There was a major fire last summer and the fire trucks had a hard time getting in because of the congestion and the narrowness of the street.

Hayfield Road was designed as a four lane road, Mr. Knowlton told the Board, which would run from somewhere in the vicinity of Beulah Road to U. S. #1 at a point approximately at Cooper Lane. It was designed as a four lane divided road and constructed as four lane divided highway in the Master Plan but in the interim it is being used this way. It might be that "No Parking" signs should be put up and enforced by the Police Department.

The signs should be put up in any event, Mr.Smith said, on both sides of the road.

Mr. Derring stated that there was only one off street parking space provided for each house. If a family has two cars, one must park on the street.

Then "No Parking" signs should still be placed on the other side of the street, Mr. Smith said, on the side adjacent to the proposed pool so it would not interfere with the residents parking on the opposite side.

Mr. Bates stated that before the Association settled on the pool site they are now asking use of, they made extensive efforts with Wills and Van Meter to get a pool site on the higher end, realizing that this would be a better site from the standpoint of construction. The park site mentioned is approximately two acres and is not large enough to accommodate a pool site, parking, etc. The open area adjacent to the elementary school above the present building is Section 7 which will be started this spring and summer. That area is completely planned. They also would have desired a site at that end if they could have gotten it, however, they are being given the land and are not buying it. They realize that wherever the pool site is located there will be some kind of complaint. If they are going to have a pool it has to go somewhere and this was the only area available to put it. They realize there will be many children walking and riding bikes and there is always an element of chance of the safety of children in the streets. They will do everything reasonable to fence the ditch to the rear of them so they won't be cutting across that ditch; this is the reason for bringing the fence up adjacent to the Townsend residence so there will be no reason for them to go across the Townsend property. A covenant was mentioned in the deed but it has not been transferred yet, it should take place this week, and he could not say until the deed is signed exactly how that covenant will be worded, but read what was proposed. "All persons owning homes on the portion of land known as Hayfield Farms community, tract east of Telegraph Road, shall be eligible for purchasing stock in and becoming members of Hayfield Farms Swim Club, Inc." Plans for the pool site have been displayed at Civic Association meetings and the meetings were open to all who cared to attend.

The height of the fence proposed by the swim club was questioned as being in violation of covenants in this development.

The covenants on a low fence would not apply to this particular piece of land, Mrs. Henderson said.

Only the codes of the County would apply, Mr. Smith stated, because this was set aside as a recreation area.

In the application of Hayfield Farms Swim Club, Inc., application under Section 30-7.2 6.1.1 of the Ordinance, to permit erection and operation of community pool, bath house and park area, on southerly side of Hayfield Road, Lee District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted. This should conform to the site plan now being processed for maximum number of 400 family membership with parking for 135 cars. Hours of operation 9 a.m. to 9 p.m. - any use beyond the 9 p.m. closing time must have special permission from the Zoning Administrator

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in advance of the use; the Association will be required to fence the area from the corner of the property at Hayfield Road to the rear of the Townsend property and to the rear and on the pool side of the storm sewer easement, with a chain link fence not to exceed 7 ft. in height and not less than 6 ft. in height. All access to the parking area should be locked when not in use. All other provisions of the Ordinance pertaining to this application shall be met. The Board recognizes that there is some objection to this but as the Chairman has pointed out, this would be true any place in the community. The Board has to recognize that the pool and recreational area is for the benefit of the entire community, and the entire community can avail themselves of use of the parking area without being members of the pool, for recreational purposes in the winter months when the pool is not in operation. Mr. Woodson should request that "No Parking" signs be put along Hayfield Road adjacent to the proposed swim club (by the Police or Highway Department). Hayfield Road is dedicated to its full proposed right of way and construction is completed along most of the frontage of the property so the Board of Zoning Appeals should only specify the screening of this area as the road as constructed is in conformity with County requirements. All noise from the loudspeakers will be contained within the pool area itself and not overflow onto adjacent property. All lighting shall be so directed so that it does not overflow onto adjacent residential areas in any manner, including lighting for the parking lot. Mr. Smith asked that the Association make every effort to notify its members that there will be no parking on Hayfield Road under any conditions, at any time. If this were to happen this would be a violation of the use permit and the permit would be in jeopardy. Seconded, Mr. Barnes. Carried unanimously.

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DONALD C. AND ANNA M. GIBSON, app. under Sec. 30-6.6 of the Ordinance, to permit erection of addition to garage and greenhouse 12 ft. from side property line, Lot D, Resub. of Lots 20, 21 and 22, Clearfield, 5227 Monroe Drive, Springfield District, (RE 0.5) Map No. 71-4 ((6)) D, V-50-69

Mr. Gibson stated that he was making the request because the house which he now has does not have sufficient storage space. With the garage he would have storage space with a workshop in the eastern portion of the garage. The greenhouse would be for his wife. At the time of purchase the house was adequate for their needs but now that he is retiring from the Navy, he will need the extra space in his home.

Mrs. Henderson pointed out that there is an alternate location -- it could be put 12 ft. behind the house and come within 2 or 4 ft. of the side or rear property lines.

Mr. Smith said he felt the request was a reasonable one and the greenhouse would add beauty to the area.

No opposition.

In the application of Donald C. and Anna M. Gibson, application under Sec. 30-6.6 of the Ordinance, to permit erection of addition to garage and green house 12 ft. from side property line, Lot D,Resub. of Lots 20, 21 and 22, Clearfield, 5227 Monroe Drive, Springfield District, Mr. Smith moved that the application be approved as applied for in conformity with plat submitted. All other provisions of the Ordinance pertaining to this application shall be met. The general health and welfare of the family was taken into consideration in this case although no topographic problems existed. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as there is an alternate location on this lot and the lot meets the requirements of the zone.

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WILLIAM E. DICKINSON, app. under Sec. 30-6.6 of the Ordinance, to permit erection of addition 7.32 ft. from side property line, Lot 17, Blk. 18, Sec. 13, Belle Haven, 6210 Randall Ct., Mt. Vernon District, (R-10), Map No. 83-3 ((14)) (18) 17, V-49-69

Mr. Graves, architect, represented the applicants. The house as originally built was 30 ft. from the street and 10 ft. from the right property line. They are adding on the additional room, changing the original living room into a dining room, putting the living room on the left hand side of the house. The proposed addition will come 3 ft. inside the building restriction line on the front corner.

What is the reason he cannot make the room 15.3 ft. instead of 18.3 ft., Mrs. Henderson asked?

Because this is the size of the room they want to build, Mr. Graves replied.

Mrs. Henderson pointed out that this was a personal reason and the Board cannot grant variances based on personal or financial hardships.

Mr. Graves stated that the applicants built the house in 1952. The property falls off very fast in the rear. This is a two story house in the front and three stories in the back now.

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WILLIAM E. DICKINSON - Ctd.

This is one of those very unusual quirks which are very seldom run into in the Code, Mr. Knowlton said. In the R-10 zone the side yard setback is not a straight 10 ft. It states not less than one half the height of the building, except that no side yard shall be less than 10 ft., the unusual case being the unusual height of this building. Actually by estimate, he would say it would probably be required to have a 15 ft. setback.

The new addition will go only up to include the first floor, Mr. Graves stated. Construction of the addition will conform to the existing construction -- brick.

Is there any reason why this addition could not be pushed back to the level at 10 ft. and have entrance to the dining room under this porch, Mrs. Henderson asked? Then no variance would be needed because of the angle of the lot line.

It makes that much more masonry wall, Mr. Graves said. The lot falls off very rapidly.

That again is a financial situation, Mrs. Henderson said. She noted a letter from Mr. Hanson, adjacent property owner, stating that he had no objection to the application.

No opposition.

In the application of William E. Dickinson, application under Section 30-6.6 of the Ordinance, to permit erection of addition 7.32 ft. from side property line, Lot 17, Block 18, Section 13, Belle Haven, 6210 Randall Ct., Mt. Vernon District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted. All other provisions of the Ordinance shall be met. This is a very unusual shaped lot with a topographic problem and to require the applicant to meet the setbacks required by the Ordinance would unduly restrict construction on this lot. Seconded, Mr. Barnes. Carried unanimously. Mrs. Henderson added that it affected her thinking in a way that Mr. Dickinson built the house and has lived in the house for 17 years. He has gone to terrific expense of adding on and plans to continue living here.

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The application of PAUL BASSETTE, app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit display of rental vehicles, Lots 33 & 34, Bryn Mawr, on Whittier Avenue, Dranesville District, Map No. 30-2 ((9)) 33 & 34 was deferred for sixty days at the applicant's attorney's request.

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BENNY SMALL, application under Section 30-6.6 of the Ordinance, to allow sun deck to remain 6.0 ft. from side property line, 3301 Rose Lane, Mason District, (RE 0.5), Map No. 60-2 ((36)) 1, V-946-68 (deferred from November 26)

Mrs. Henderson read the report of the Building Inspector: "Deck on the end of the house needs protective railing and the raising of the footings so that wood posts supporting the deck are 8 inches above the finished grade."

In the application of Benny Small, application under Section 30-6.6 of the Ordinance, to allow sun deck to remain 6 ft. from side property line, 3301 Rose Lane, Mason District, Mr. Smith moved that the application be approved to allow sun deck to remain as constructed now that it conforms to the Code as to construction. The applicant stated that he hired a contractor to construct the addition with the understanding that he would follow the Code provisions and obtain a permit and later he found out that it did not conform. The applicant had no part in the error that was committed. Seconded, Mr. Barnes. Carried unanimously.

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DR. WILLIAM D. SWARTZ & GORDON S. DAVIS, app. under Sec. 30-7.2.10.2.9 of the Ordinance, to permit erection and operation of small animal hospital, pt. Lots 17, 18, 19 & 20, Bryn Mawr, (Dranesville District), C-D, Map No. 30-2 ((9)) pt. Lots 17, 18, 19 and 20, S-1002-68 (deferred from Jan. 28)

The Planning Commission had no recommendation on the application.

This is another application where the Board has delayed construction of the facility at the expense of the applicant and has not arrived at anything worthwhile, Mr. Smith said. The Board has heard the case and has seen the drawings of the proposed building which is one of red brick construction, completely sound proofed, completely air conditioned, containing noise and odors within the building itself.

On this animal hospital, Mr. Knowlton told the Board, the Planning Engineer's office had made a recommendation when this was first heard but it was not carried through not knowing what the Planning Commission was going to do, and that was, that because of a drainage problem and because of some possible work to be done on Old Dominion Drive, that there

be no access to Old Dominion Drive and he believed the applicants had agreed to this in the past.

Mr. Hansbarger said that was correct.

If this application is granted, Mr. Smith said, this would be a condition of the motion without restating.

Even if the applicant has been held up somewhat, Mrs. Henderson stated, and there is now no recommendation, she felt the Board would have been remiss not to delay for the report on the "701" study.

Mr. Knowlton told the Board that he did not have the report with him, but he believed that something did come out of the study -- it shows the stages of development of the road which they were discussing. At the time this came up before it was nebulous as to the time period in which these roads would be constructed. It would be the third stage before it affected this property therefore it was decided that the application could not be held up that long.

In the application of Dr. William D. Swartz and Gordon S. Davis, application under Section 30-7.2.10.2.9 of the Ordinance, to permit erection and operation of small animal hospital, part Lots 17, 18, 19 & 20, Bryn Mawr, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with the recommendations agreed to by the applicant's agent and in conformity with the drawing submitted. This is for a completely contained and enclosed operation, air conditioned, soundproofed and odors to be contained within the building itself in conformity with the new animal hospital criteria and that all other provisions of the Ordinance pertaining to this, including the stipulation on access, shall be adhered to. Seconded, Mr. Barnes. Carried unanimously.

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ROSA M. WICKLINE, application under Sec. 30-7.2.10.13.1 of the Ordinance, to permit erection and operation of service station, corner of Old Dominion Drive and Whittier Avenue, Dranesville District, (C-D), Map No. 30-2 ((9)) 36, 37, 38, 39, S-989-68 (deferred from Jan. 28)

The staff has considered that because this section of Old Dominion Drive is a primary highway there would be the requirement for a service drive, Mr. Knowlton reported, however, in light of the McLean Study and in light of some of the problems in the area they are not ready at this time to say where that service drive shall be so there is no recommendation.

Is there a possibility that site plan will require a service drive in some area, Mr. Smith asked?

Service drive or travel lane on both Whittier and Old Dominion are required and the applicant will be prepared to make necessary dedication on Whittier to bring it up to the first phase of the "701" Plan, Mr. Hansbarger said. There will be only one sign which will comply with the requirements as to area and the height will be consistent with heights of other signs in this area.

In the application of Rosa M. Wickline, application under Section 30-7.2.10.13.1 of the Ordinance, to permit erection and operation of service station, corner of Old Dominion Drive and Whittier Avenue, Dranesville District, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted under the following conditions: That this be of brick construction, pump island canopy station, not to exceed five bays if it meets all setback requirements, and not more than one free-standing sign on the property, height not greater than 20 ft., sign area not to exceed 100 sq. ft. Staff and site plan recommendations and requirements are to be met. It is understood that the requirements are not as great as set forth in the application; they can be adjusted to meet what the staff feels is the best arrangement in the area, taking into consideration the possibility that when the new roadway is completed a portion of this property (or maybe in its entirety) will be deleted by the road itself. This is for service station uses only. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM H. ADAMS, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage 2 ft. from side property line, 4004 Moss Drive, Annandale District, (R-12.5) Map No. 60-4 ((16)) (L) 2, V-14-69 (deferred from Jan. 28)

Since the last hearing, Mr.Adams said, he had given more consideration to this, and would like to continue with his original request. There is an unusual amount of space separating his home from the structure on the adjacent lot and if the application is approved, this structure would be 24 ft. from the next building. He would build the side of the garage inside the existing brick wall with no overhang, in order to keep this back 2 ft. from the property line.

There should be some way of solving the drainage problem, Mrs. Henderson stated, without building a garage.

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WILLIAM H. ADAMS - Ctd.

Mrs. Henderson reminded the Board that they had granted a similar case in Mantua Hills last week by a vote of 3-1. The only reason she would vote for this application, she said, was because there is no alternate location. He cannot get up into the back yard. The present garage even if it were not going to be used for something else is all but useless. If the size of the proposed garage were cut down this would leave a catch space between the two walls for trash. Even a one car garage would need a variance.

In the application of William H. Adams, application under Section 30-6.6 of the Ordinance, to permit erection of garage 2 ft. from side property line, 4004 Moss Drive, Annandale District, Mr. Yeatman moved that the application be approved according to plats submitted. Seconded, Mr. Barnes. Carried 3-2, Mrs. Henderson and Mr.Smith voting against the application.

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HENRY LODGE #57, application under Sec. 30-6.6 of the Ordinance, to permit erection of building closer to property line than allowed by the Ordinance, Lots 4 & 5, pt. 2 & 3, Sec. 4, Fairfax Acres, Providence District, (RE 0.5), Map No. 47-3 ((3)) 4 & 5, pt. 2 & 3, V-9-69 (deferred from Jan. 28)

Mrs. Henderson objected to this application because the special use permit application, she said, was granted based on a building that would fit on the land without a variance.

The new plats presented show more parking spaces than the Board requested, Mr. Smith said, and it seemed to him that the request for a variance in this case is a reasonable one. The applicants were not aware that they needed a variance at the time they made application for the special permit. Under this use there is less ground coverage by building than if this were developed as residential dwellings. This is a limited use of the property and the variance is only on one corner. This is actually an amendment to the original granting and not a new granting.

Mr. Smith read the original motion in its entirety; it was his understanding originally, he said, that the groups that were opposing this did not want the area fenced and now they are requesting that the parking lot be completely fenced and locked when not in use.

Perhaps they could work out something such as putting a gate across the entrance and exit to keep cars out and the children could still play ball and skate on the parking lot, Mrs. Henderson suggested, but the gate would keep the cars out.

The opposition presented a petition against the enlargement of the use.

In the application of Henry Lodge #57, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to property line than allowed by the Ordinance, Lots 4 & 5, pt. 2 & 3, Sec. 4, Fairfax Acres, Providence District, Mr. Smith moved that the original motion granting the use permit be amended to include this application, deleting the 30' x 56' building and in its place allowing construction of 30' x 72' building, still being a one story building in conformity with plat submitted, that there be 104 parking spaces provided. All other provisions of the original granting still apply. Entrance and exit to the lodge should be barricaded or roped off at all times when the property is not in use by the lodge members or those who have been granted permission to use it. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voted against the motion. Mr. Smith added that there was the possibility that all of the residue of Lot 1 could not afford 25 ft. screening as indicated in the original granting and it is under stood that the plat submitted today would be the deciding factor rather than the original granting.

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JOSEPH PROVENZANO, app. under Sec. 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's office in dwelling (non-resident), 3915 Annandale Rd., Lots 13 & 14, Beverly Manor, Annandale District, (R-10), Map No. 60-3 ((25)) 13 & 14, S-2-69 (deferred from Feb. 18)

Mr. Geschickter presented plats showing ingress and egress all on Annandale Road as requested by the Board.

The neighbor on Lot 15 telephoned her, Mrs. Henderson said, expressing his approval of the application.

In the application of Joseph Provenzano, application under Section 30-7.2.6.1.10 of the Ordinance, to permit operation of doctor's office in dwelling (non-resident), 3915 Annandale Road, Lots 13 and 14, Beverly Manor, Annandale District, Mr. Smith moved that the application be approved in conformity with corrected plats submitted, eliminating parking spaces #21 and #22 in accordance with preliminary plat #3 dated February 1969 showing entrance and exit from proposed use on Annandale Road, and all other provisions of the Ordinance pertaining to this application shall be met. It is understood that the applicant will meet the requirements of the Ordinance and abide by the Ordinance and normal hours of operation will be from 8 a.m. to 8 p.m. except for emergencies. Seconded, Mr. Barnes. Carried unanimously.

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March 11, 1969

DAVID D. PHELPS, app. under Sec. 30-6.6 of the Ordinance, to permit garage to remain 20.4 ft. from Timothy Place, 2806 James Dr., Lee District, (R-10), Map No. 83-1 ((4)) 29, V-984-68 (deferred from Feb. 18)

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Mrs. Henderson read the report from the Building Inspector: "Two windows and one door located between the house and the attached garage needs to be closed in to comply w ith the Building Code."

In the application of David D. Phelps, application under Section 30-6.6 of the Ordinance, to permit garage 20.4 ft. from Timothy Place, 2806 James Drive, Lee District, Mr. Smith moved that the application be approved. In making the motion to grant this to the present owner, this does not mean that he in any way endorses the actions of the previous owner. It is understood that the present owner had no knowledge of the violation when he purchased the house and the builder did not make him aware that the garage was in violation. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Knowlton told the Board that he had received many calls and letters regarding the application of Dr. Hughes at 2300 Sherwood Hall Lane which was granted by the Board. The letters and calls inform the Board that the notification was improper; that the persons shown as adjacent property owners have not owned the adjoining property for a number of months, and they would like to have a rehearing of the application.

The Board agreed to reconsider the application.

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The meeting adjourned at 7:30 p.m.
By Betty Haines

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

May 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 25, 1969 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.

JOHN E. ROACH, JR. AND ELEANOR E. ROACH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten and day care for 100 children and under Section 30-6.6 of the Ordinance, to allow dwelling to remain 4.6 ft. from side property line, Lots 24A and 25A, Leewood Subdivision, 7152 Woodland Drive, Springfield District, (RE 0.5), Map No. 71-2 ((7)) 24A & 25A, V-56-69 and S-56-69

Mr. Louis Hall Griffith represented the applicants. He stated that the applicants now operate the Annandale Springfield Country Day School. They began operation February 1968 with 25 children and later got the number increased to 40. They appeared before the Board again in February 1969 and the number of children was increased to 90. In spite of this, they still have a waiting list of 82 children for their school. The use of their present facility at this moment is limited to 45 children because of Health Department requirements. Their use at the present time is almost restricted to day care and secondly, they are not the owners of the property where they are presently operating the school. At the last meeting some comment was made to Mrs. Roach as to what her ultimate intentions were -- she responded by saying that she hoped someday to have her own facility. This opportunity is now apparent. They are contract purchasers of the premises at 7152 Woodland Drive, approximately 80,000 sq. ft. of land. This is a very attractive one-story stucco dwelling on the property and to the left of it is a cinder-block garage. The lots have a number of trees and are presently well landscaped. They are requesting a variance to permit the dwelling in existence on this lot to remain, although it is only 4.6 ft. from the south lot line and asking for a use permit for kindergarten and day care school for maximum of 100 children. They are dealing with the existing structure which was built by a prior owner and for some reason within 4.6 ft. of the property line. They propose no new construction to make this closer to the existing lot line. All of the improvements will be interior improvements. The house which is located to the south of these lots is approximately 200 ft. from the subject lot line. The use of this house for this purpose will have no adverse effect on adjacent properties. No classes will be held in the immediate part of the house located on the south next to the lot line. The fence will be constructed in the rear of the improvement.

There is a need which is evident, Mr. Griffith continued, because of the times the applicants have been back to the Board to increase this type of school and it is important to point out the functions provided by this type of operation which is not just relieving the working mothers. In addition to this, they are beginning what is in fact the formal education of these children who come to them in their most formative years. Mr. Griffith said that his own son, four years old, is in another school and they feel that it is important for him to be subjected to this type of environment from an educational standpoint. One of the primary things which is of concern if you get 40, 50 or 60 children is what effect does this have from the noise standpoint? Their experience on Ravensworth Road has been a good one and they have had no problems of noise. They are required to meet stringent requirements for the flow of traffic. Parents bring the children to school in the mornings and come back for them in the evenings. They are not the owners of the present facility and this is their problem -- they have no practical way to provide a kindergarten facility at their present location on Ravensworth Road. With the exception of probably three or four of their students, all of them are in day care. They are interested in developing a kindergarten. They are dealing with a larger area in this application than they are presently operating out of. They have 3/4 of an acre at their present operation and the land in the application contains about 80,000 sq. ft. They would be located one block off Braddock Road and ample parking would be provided.

They are required by law to have a teacher-student ratio of 1-15, Mr. Griffith continued, and their ratio is much lower than that. They have the parking required for teachers and parents dropping children off at the school. The lots as presently exist are attractive lots and they intend to maintain them this way. The garage on the property is unsightly but they would develop it as classroom purposes and use it for that purpose. They are required by law to have 10,000 sq. ft. fenced. Certain minimum work would have to be undertaken in order to comply with the Building, Electrical and Fire Codes and they can comply with each of those recommendations without any difficulty. They are dealing with an area zoned RE 0.5 and for that reason alone there are no existing dwellings abutting and no problem of affecting adversely the use of Mr. Granbury's property, the adjoining neighbor.

Mr. Griffith discussed the traffic situation. All of their students enrolled in the present school come from an area north of Braddock Road with the exception of King's Park. No students are enrolled or are on the waiting list from the Springfield central area. He felt that their potential for students would remain in this particular area. Traffic control will be regulated, first of all, by the law, and secondly, they have to maintain strict control over the parents of the students. They can regulate the manner in which they are brought to the school. They might engage in the operation of small buses and if so, they can operate these and will be reportable and responsible to the Board of Zoning Appeals for the operation of these vehicles.

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Regarding noise level, Mr. Griffith continued, first of all this is an area twice as big as they now have; there will be laughter, singing and games. They do not feel that the extent of the noise these children will make during the time they are here will have any adverse effects. There will be no Saturday or Sunday operation. This is not a commercial use of the property, they are asking for a special permit use, to permit use of this property to fulfill a need that exists. They will make substantial improvements to the property. There would be 60 children eventually in the dwelling and in addition they can accommodate 40 students in the garage facility once that is made into classrooms. They are willing to make a maximum financial investment in the property. The summer program is greatly limited. They will only operate a summer program as an accommodation to parents who have children in the school. They hope eventually to have a pool facility for use during spring, summer and early fall. Ultimately, Mr. and Mrs. Roach would like to build their own home to the rear of the existing house. These people are dedicated to the development of children in their most formulative years. This application, if granted, would permit the Roaches to fulfill their goals for the school; to benefit the children and benefit the community by the improvement of this property and make a substantial contribution to the education of these children.

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Mrs. Henderson pointed out that the Roaches have a permit for 92 children at the present time.

The Roaches are not owners of the property, Mr. Griffith stated, they are limited in the development and enlargement of the property.

What happens to Mr. and Mrs. Hancock on the permit on Ravensworth Road, Mrs. Henderson asked? Would they continue to operate there?

It would be their intention to still operate that, Mr. Griffith replied.

Would anyone live in the dwelling on the Woodland Drive property, Mrs. Henderson asked?

No, Mr. Griffith answered.

Mr. Smith wanted to know how the house got this close to the property line.

It looks like a house that has been added to many times, Mrs. Henderson said. How large a staff will the school have, she asked?

Their practice has been one teacher to eight students, Mr. Griffith told the Board. They would be amenable to showing a plat with twelve parking spaces shown, he said.

Mr. Smith noted that the Inspections report made no mention of using the garage for school purposes.

The initial use, Mr. Griffith stated, would be to use the existing dwelling for 60 students but they would intend to begin working on the garage as soon as possible.

Mr. Smith pointed out that the garage does not meet the side yard requirement (20 ft. setback) and if it is to be used for school purposes it should have been included in the variance application.

If the permit is granted, Mrs. Henderson suggested that it could be for 60 students in the dwelling, and in the future it would require another variance application and an application to increase the number of children.

Another thing, Mr. Smith said -- Mr. Griffith spoke of constructing a house on the second lot -- that would not meet the setback requirements either, he said.

They don't have definite plans for this at this time, Mr. Griffith said.

It might eventually prove impossible, Mrs. Henderson commented.

Are sewer and water available, Mr. Yeatman asked?

Yes, the existing well will be filled in, Mr. Griffith said -- it is a well 3 ft. in diameter which has been capped over.

Mrs. Solbert, a parent of one of Mrs. Roach's students, spoke in favor of the application. Mrs. Burton, mother of two children in the school also spoke in favor, and presented letters in favor of the application.

Mrs. Henderson noted five other letters in favor of the school from parents of Mrs. Roach's students but the question is not regarding the nature of the operation, she said, it is whether or not this is a proper location for the school, It has been admitted that this has been a very excellent school.

Health Department inspection of the existing dwelling would allow maximum of 68 children rather than 60, Mr. Griffith stated.

Mrs. Roach told the Board that they would be required to add toilet facilities but nothing would be added externally. They were hoping to use the garage for additional expansion before the end of the year.

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How many students will be day care and how many kindergarten, Mr. Smith asked?

They do not know now what the proportion will be, Mrs. Roach said. Two years old would be the youngest child they would take. All of their children are taught.

Opposition: Mr. Louis B. Wagner, 7205 Homestead Place, represented the North Springfield Citizens Association, urging the Board to reject the application. Leewood is a single-family residential area, quiet, with privacy, and with natural beauty. No matter how well a school might be run, the quiet character of the neighborhood would be disrupted by the presence of a large number of children and the increased traffic. The Roaches and their lawyer met with the Citizens Association to enable them to hear of their plans and the decision to oppose the application was reached on the basis of the opinions of the members.

Mr. Granbury, adjacent property owner, stated that his house is the closest of any to the property involved in the application. He told the Board that the violation of the side setback took place many years ago at which time he did not live on the property but was the owner, and he had not complained about it during this time. He would have no objection to it remaining as it is, even though he does recognize that it is a detriment to his property having it that close. He owns 7 acres with two houses and he lives on Lot 32. Eventually he will have to subdivide the property and develop it and the existence of a school and the side line encroachment will be detrimental to it. So long as the residence remains as it is, he would have no objection to it remaining, however, he would object to any extension or further encroachment.

The school is an entirely different matter, Mr. Granbury continued, and he would have no alternative but to look upon this as a commercial enterprise invading what has the potentiality of developing into a real nice subdivision at a future date. He hated to put himself in the position of being opposed to a school, he said, but it has the aspects of a commercial enterprise and he could not divorce this from the disadvantages of the school that might result to the community at large.

100 children would be a noisy operation, Mr. Granbury said, and he saw no reason to doubt that the applicants intend to keep noise to a minimum and will keep the place as attractive as possible, but he said he could not rely on people's intentions. He has seen some schools that were noisy and some that were unattractive. Certainly these people did not intend that when they started out but the schools have deteriorated.

Mr. Granbury also expressed concern over the traffic situation. The driveway is at the bottom of a hill in both directions and if traffic has to wait to get into the school property, there will be some accidents.

If this were granted under site plan requirements, Mr. Smith said, the applicants would be required to provide a deceleration lane adjacent to the property in order to get the vehicles off the road.

If all the children come from the north and would be coming off Braddock Road, Mrs. Henderson said, the deceleration lane would not do much good.

Mr. Knowlton informed the Board that no sight distance report had been obtained from the Planning Engineer's office but under site plan ordinance they would not only be required to widen the road but to take care of any sight distance problems before they would get their occupancy permit approved.

When the hearing on the Master Plan came up over a year ago, Mr. Granbury stated, his property and the property in question were retained as half acre lots. The property along Braddock Road, and in back of his property, was proposed for town houses.

William L. Bockman, 7125 Braddock Road, bordering the property in the application on the north side by 200 ft., described the driveway mentioned by Mr. Granbury as being at the bottom of two hills offering poor visibility from either direction, complicated by the fact that they now have three nursery schools in operation in the area. All of this traffic, or a portion of the traffic for these schools, is now using Woodland Drive to avoid the traffic light at the intersection. Woodland Drive is a narrow road with no sidewalks. It is the route of three separate Fairfax County buses. This entrance at peak hours would be nothing less than hazardous and if the children come from the north, this will intensify traffic on the corner.

Mr. Bockman stated that the Leewood Nursing Home across Braddock Road, opposite his property, started as a use permit with a limited number of patients. The Board is familiar with the size of the nursing home now and they have had many problems. He did not think it was desirable to have his property sandwiched in between these two age groups. He said the garage is 19.3 ft. from the fence and technically speaking, this waiver has not been requested.

Mr. Bockman submitted the certified letter received by Mrs. Margaret Reynolds who rents a dwelling on his property at 7160 Woodland Drive. She is not a property owner, he said, and to his knowledge, only one adjacent property owner had been notified of this hearing.

Mr. Bockman is the owner of the adjacent property and Mrs. Reynolds is not, Mrs. Henderson said and although the applicant should have notified Mr. Bockman, he is aware of the

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situation. The Board's consensus was that the adjoining property owners were aware of the hearing, therefore proper notification was given. Technically speaking, however, they were not notified.

Mr. Bockman stated that 100 children would be excessive and would require a play area, thereby requiring the cutting of trees. This would intensify the problem of drainage. The area is low and marshy and would be unsuitable as play area for small children.

Mrs. Margaret Finkham expressed concern as to where the driveway would go to serve the back part of the property -- it cannot go along the Granbury property, she said.

There is no indication that a driveway is needed to serve the back, Mrs. Henderson, stated.

Mr. Bockman was concerned about children from the school and from the proposed town house area coming onto his property.

Mrs. Henderson assured him that if the school were granted it would be completely fenced.

Mr. Bockman said the presence of the school would change the character of the area and if this area were completely taken out of the RE 0.5 classification, he would have no alternative but to go along with the others, asking for higher density.

For a while this particular area at Backlick and Braddock was in limbo, Mrs. Henderson said -- is it included in the Annandale or Springfield Plan, or is it still under study, she asked?

The division between the Springfield and Annandale Plans runs through this area, Mr. Knowlton explained. The Annandale Plan is being restudied under a "701" Federal grant. Parts of the Springfield Plan are being reviewed but not including this land. Braddock Road has just been reconstructed on this side, and ultimately there are some plans for improvement on the other side. A study is underway as to how to handle this intersection. There is consideration being given to a government substation here, and a rezoning application pending for PAD in this area. Applications pending for more commercial shopping centers might also change the area.

In view of the fact that this hearing has lasted almost four times as long as it should, Mr. Smith said he wondered if the Board could hear from only people who have something new to add.

The owner of Lot 8 stated that the school would change the character of the area. There are no sidewalks, no curbs, only ditches. Children play in the narrow street and a real hazard exists now. Addition of the school would increase the traffic flow.

Mrs. Woodbury, owner of Lot 1 on Woodland Drive, described the traffic problems existing now in the area. There are three young children living on the corner and she would hate to see additional traffic generated by the school, she said.

Mrs. Henderson read a letter from Mr. Barney Mullady pointing out the narrowness of the road although it is a 50 ft. right of way; if it is granted, there should be a foolproof fence, especially since the inmates of the nursing home wander around; Braddock Road is dangerous to cross and if the school is granted, it should provide sufficient off-street parking.

Naturally the problems posed by the opposition are ones which the applicants have considered, Mr. Griffith said, in rebuttal. The traffic situation is one which was repeatedly brought up by the opposition; the applicants will have control over the people who would be using the school. The Board would place stringent requirements upon the applicants. The opposition naturally is the opposition which perhaps is somewhat typical of adjoining land owners. Noise, traffic, general acceptance in the Ravensworth community where their present operation is has not been a problem.

Mrs. Johnson, 7117 Woodland Drive, felt that granting the application would be a "toehold" in the area -- what else would come from it?

There would be no change in the zoning of the land, Mrs. Henderson pointed out.

But it would set a precedent, Mrs. Johnson said; let one do it, and everyone else will want to do it.

Mrs. Chechele, representing the Springfield Citizens Association, stated that 21 people were present at their executive meeting. After this was discussed with the Roaches and Mr. Griffith, she distinctly heard Mr. and Mrs. Roach say that if the people did not want the school there, they would be inclined to agree with the people.

Two points seem rather important, Mrs. Henderson said -- one is that whatever the ultimate plan is for Leewood along Backlick Road, this is still a single family residential area. Leewood already has four use permits, all of those are on corners, or face on four lane roads. Braddock will be four lanes where the nursing home is. This comes down into the subdivision and the applicant testified that all the pupils come from the north and that no children in Leewood would go to this school. The need is not in this subdivision.

There have been two schools, Mrs. Henderson continued, one a day care center in Sleepy Hollow Subdivision, which were not needed by the residents of the subdivision, and the Board in its wisdom decided not to inject the school into a subdivision where it was not needed or wanted. This is important in considering the location for the school. She would vote against this application, she said, as this is imposing an additional use permit into a residential area where it is not needed.

Mr. Yeatman said he felt this was different -- it is closer to Braddock Road and is in a plan calling for town houses. There was no plan in Sleepy Hollow for town houses.

The last school in Sleepy Hollow was right on Route 50 with a service drive, Mrs. Henderson said, and it was turned down because the residents objected to it.

Why do the applicants need a variance to use this non-conforming building, Mr. Smith asked, as this is a use permit which would be allowed in a residential zone.

The building now is a non-conforming dwelling, Mr. Knowlton said, and when it is changed to another use, it either has to conform or have a variance granted. If the building were retained as a single-family dwelling, there would be no need for a variance but when it is no longer a dwelling it must have one; if the use permit is not granted, it makes no difference whether the variance is granted or not.

For such an intense use as a school, the building is awfully close to the line, Mrs. Henderson said, and it is a much more intense use than single-family.

In the application of John E. Roach, Jr. and Eleanor E. Roach, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten and day care for 100 children and under Section 30-6.6 of the Ordinance, to allow dwelling to remain 4.6 ft. from side property line, Lots 24A and 25A, Leewood Subdivision, 7152 Woodland Drive, Springfield District, Mr. Smith moved that the application be approved in part; that the applicants be allowed a maximum of 68 children in the existing dwelling and that the garage itself not be used for school purposes at the present time. Hours of operation 8 a.m. to 4:30 p.m. five days a week for nursery school and kindergarten. Site plan for the use will be required and they must meet all site plan requirements set forth in the Ordinance for the use itself. On the second part of the application to allow dwelling to remain 4.6 ft. from side property line, he moved to approve for the use of the building as previously granted. Twelve parking spaces must be provided for the use, meeting all setback requirements of the Ordinance. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against both motions as she felt that the application did not meet any of the three standards for granting special use permits in R districts; size, nature and intensity of the use as far as vehicular traffic is concerned would be hazardous and inconvenient to the predominantly residential character of the neighborhood; location of the building might discourage appropriate development of adjacent land and adversely affect neighboring property.

Does the motion state that site plan approval must be approved for this use, Mr. Knowlton asked?

At least a limited site plan, Mr. Smith replied.

Mrs. Henderson added that injecting a use such as this in the middle of a neighborhood which is not going to use it makes this an unsuitable location for the school.

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WESTGATE CORP., application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located 1700 block of proposed Anderson Road, Dranesville District, Map No. 30-3 ((1)) part par. 7 (C-D), S-51-69

Mr. Tom Nicholson represented the applicant.

Mr. Knowlton told the Board that a great deal of work had been done on this by the Planning Engineer's office, and that Mr. Chilton had contacted him and asked that the first word in the staff comments be changed to "pedestrian" rather than "vehicular" access to the shopping center. Normally they would require vehicular access but there is a rather severe grade problem here and the two can be connected by pedestrian walkways. The service station site contains 20,000 sq. ft.

Mr. Smith felt that the applicant should submit a better layout of the service station use itself rather than the entire site plan for the shopping center.

The shopping center is below the service station site, Mr. Nicholson stated. Anderson Road is a four lane road and will tie in with Dolley Madison Boulevard to Magarity Road. Anderson Road is an 80 ft. right of way now.

An 80 ft. right of way would obviate the need for setting the building back 75 ft. from Anderson Road, Mrs. Henderson said. What type of architecture will the gas station be?

It will blend in with the shopping center, Mr. Nicholson replied. This will be a four bay service station.

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It should be understood, Mr. Smith pointed out, that this is developed as a part of the shopping center itself and there is only one freestanding sign allowed.

They would intend to live with that requirement, Mr. Nicholson said, but he was not aware of that. They are quite concerned about signs.

Mr. Smith asked that better plats be submitted.

It looks like the top of the station is to be of the same gray metal panels as the rest of the station, Mrs. Henderson said.

The sides and rear are brick, Mr.Nicholson stated, and the front is all panes of glass.

Mrs. Henderson still did not like the top -- it looks like the gray tile which the Board is trying to get away from, she said.

Opposition: Mr. James Jenson, 7417 Magarity Road, questioned the location of the sign advertising this hearing. Who was notified, he asked? Also, he objected to the trash from the waste products in building the apartments and feed bags from the horse stable, blowing into the residents' yards. They do not object to the sanitary fill, he said, as they have to have some place to dump their trash, but they should tie it down so it will not blow all over the place. He presented names and addresses of others who were also in opposition. There is no need for this service station in the shopping center, he added.

Mr. Nicholson said that he was not aware of the feed bag situation but that he would take action to see that it did not happen again.

Mr. Smith moved to defer action to April 22 for plats showing the lease line pertaining to this application; the number of square feet involved; dimensions of the proposed building; architectural design; location of pump islands and dimensions; number of pumps on each island; and setbacks from lease line, property lines and roadways. Seconded, Mr. Barnes. Carried unanimously.

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CHURCH OF CHRIST, application under Section 30-6.6 of the Ordinance, to permit addition nearer to Rio Street than required by the Ordinance, 6149 Leesburg Pike, Mason District, (R-12.5), Map No. 51-3 & 61-1 ((1)) Par. 8, V-52-69

Rev. Philip Morrison represented the applicant.

Mr. Knowlton reported that the staff was suggesting that the Board require dedication for service drive as a condition of any variance that is granted. Site plan would require construction unless waiver is requested.

Rev. Morrison stated that the church was constructed in 1959 and at that time Rio Drive did not exist. The setback at that time was determined from the side line. When Rio Drive was put in in 1963 it placed their building in a non-conforming status. The new addition which they are proposing would provide a new entrance facing Rio Drive and additional classroom space. They have agreed to dedicate and construct service road on Route 7. There is more than adequate parking and the have indicated to the Highway Department their willingness to dedicate land for the proposed service road and existing Route 7 for highway purposes. They propose to develop a new entrance into their parking area from Rio Drive and from the new service road eliminating traffic hazard caused by the present entrance off Leesburg Pike. The only portion of the addition which will be 24 ft. from the property line is the front of the new entranceway and it is necessary for them to construct in this fashion in order to tie in with the existing construction. The architect advises that to tie in with existing construction in some other fashion would not be structurally or esthetically sound.

Why can't it be on the other side, Mrs. Henderson asked?

They have a problem with a corridor in the present educational building, Rev. Morrison replied, and it would create a congestion problem on the inside of the building if they put it on the other side. It would cause problems with fire safety, etc. Rio Drive serves only the apartments and the church.

Are there any plans to connect Rio Drive to Peace Valley Lane, Mrs. Henderson asked?

Not to his knowledge, Mr. Knowlton said.

Opposition: Mr. Howard Cavil urged the Board to deny the application or defer action until the drainage problems in the area can be resolved. He has a serious drainage problem with his property (4 1/2 acres) as all of the drainage from the area dumps onto his property.

Mr. Strickhouser of the Division of Design Review stated that there are no imminent plans for anything in the area of Peace Valley Lane. There are drainage problems in the general area throughout this section and the County has in the past provided drainage from Stuart High School all the way down to Lake Barcroft. This system is adequate. The

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area which is in the subdivision area is an area of older subdivisions in which drainage was not built to take care of present development standards. These problems are under consideration by Public Works who now takes care of overall drainage improvements. There are problems all the way up to Juniper Lane. All of these areas have drainage problems. If site plan were submitted on this property, they would require that adequate drainage be provided on-site, that it be discharged into a natural outfall, and if the outfall with increased runoff from the site were going to create a health hazard, they would have to go into detail with the people developing on how to resolve the problem.

The natural outfall seems to be Mr. Cavil's yard, Mrs. Henderson said; can you prevent this?

If his house were to flood, then if they could determine this to be the case, it would be a matter of health, safety and welfare and they would require that something be done to prevent this, Mr. Strickhouser said.

Rev. Morrison said he was not aware of Mr. Cavil's objection; the certified notice to him was returned refused and unopened. Had he talked with the church, they would have tried to help.

In the application of Church of Christ, application under Section 30-6.6 of the Ordinance, to allow construction of addition nearer to Rio Street than required by the Ordinance, 6140 Leesburg Pike, Mason District, Mr. Smith moved that the application be approved in conformity with the site plan presented with the application showing the location of the existing building (site plan dated January 1969 submitted with this application); that the applicant dedicate and construct apparently as they agreed to, the service road as indicated on the plats; that dedication be to the curb behind the service drive as indicated on the site plan. All other provisions of the Ordinance pertaining to this particular application be met. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA STATIONS, INC., application under Section 30-6.6 of the Ordinance, to permit construction of auto laundry 20 ft. from rear property line, 1401 Chain Bridge Road, Dranesville District, (C-G), Map No. 30-2 ((1)) 50C, V-53-69

Mr. T. E. Ferguson requested a variance of 5 ft. from the rear yard setback in order to allow them to remodel the existing building and to allow construction of an addition for an auto laundry. They also want to change the roof line to a more Colonial type roof than the peak roof which now exists. This station has been in operation since around 1959. There would be no repairs -- they would only sell gasoline and add a can of oil. They had two coin operated car wash machines but they did not give satisfactory results. When the station was built, it was built 35 ft. from the rear wall, planning to use that rear space for another use in the future but then the Ordinance was changed. Proposed price for the car wash would be $1.00 or $1.25. They also plan to have two fountains in the front of the station which would be lighted at night with seven different lights that change color. They have just completed construction of a similar station on Route 234 in Manassas.

The Board should have some pictures of that station, Mr. Smith said.

Mrs. Robert T. Andrews represented the McLean Citizens Association in opposition, in accordance with their policy of consistently urging strict conformance with the County regulations unless there is some very special circumstance. They did not feel that this particular situation warrants a variance. The traffic situation at this point on Chain Bridge Road is already critical. The school property is behind this property and they urged that the application be denied on these two considerations.

It is very possible that this gasoline station already has a variance -- it is not 50 ft. from an R zone, Mrs. Henderson suggested. She seemed to have a vague recollection of it, she said.

Mr. Ferguson said that he was not aware of any variances on this property, however, some negotiations took place prior to his coming to the company.

Mr. Smith was concerned about how to prevent cars from backing up on the highway, waiting to get into the car wash.

Mr. Ferguson said that he was personally interested in this as he is a citizen of McLean. First of all, he did not feel that this car wash was the type that was going to have the volume that other car washes have. This is not a full service car wash. There is room for 15 to 20 cars on the lot so he did not think they would have a situation of cars backing up on the highway. It takes about three minutes for two cars to go through the car wash.

Mr. Smith said he would like to defer final action until the Board has a better picture of what is proposed, to see if the fountains might be considered a trademark or a method of evading the sign laws of the County.

Mrs. Henderson's thought on this was that it would be the lights that created the sign.

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VIRGINIA STATIONS, INC. - Ctd.

Mr. Smith moved to defer to April 22 for additional information as to the exact dimensions of the service station, size of the car wash, composition of the roof, etc., and have the Zoning Administration research the area to find out if there is an existing variance now on this piece of property. Seconded, Mr. Yeatman. The intent is to upgrade the property by renovating the building to more readily conform with what the Board considers good service station design in the County today, Mr. Smith said. If the property is not going to upgraded, he would not be inclined to vote for the variance, he said.

Mrs. Henderson said she would like to see a picture of what the proposed car wash would look like, see the dimensions of the building as ultimately designed, and where the pump islands would be, etc. Also, some indication should be shown on the plat as to traffic flow. Motion to defer carried unanimously.

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RHOADS & STRICKLER, application under Section 30-6.6 of the Ordinance, to permit erection of dwellings 25 ft. from May Blvd., proposed Lots 4, 5, 6 & 7, Rose Hill Manor, Lee District, (R-12.5), Map No. 82-3 ((1)) 38B, V-54-69

Mr. Lee Phillips represented the applicants. This project began in July 1968, he stated, and in the process of submitting the preliminary plat they found there was a problem of land slippage in the area. They had extensive borings made on the property and an engineering analysis was made and based on these findings and through explorations of their own, they developed the subdivision now before the Board. They have coordinated this with Messrs. Strickler, Coleman, Turner and Croy and this is strictly an engineering consideration and there is no doubt based on the engineering analysis of the property that there would be any danger of slippage in the area but this could be an added measure of caution.

The soils analysis originally indicated the area initially proposed to be safe, Mr. Strickhouser said, but because of problems in the area they felt this additional safeguard would be justified and this is why they request the variance. These four lots are at the end of the cul-de-sac.

No opposition.

In the application of Rhoads and Strickler, application under Section 30-6.6 of the ordinance, to permit erection of dwellings 25 ft. from May Boulevard, proposed Lots 4, 5, 6 and 7, Rose Hill Manor, Lee District, Mr. Smith moved that the application be approved as applied for as shown on the plat dated 12-4-68 and submitted with the application. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH & MAUDE SHOLTIS, application under Sec. 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home, 9625 Braddock Road, Springfield District, (RE-1), Map No. 69-1 ((1)) 26, S-57-69

Mr. Sholtis stated that they had lived in the house for approximately two years and would like to sell antiques in his home, by appointment only. They would sell cut glass and some furniture, articles that they have collected over the past twenty years. In six more years he will retire -- in the meantime he will be looking for a suitable location in a commercial area. The inspections report has been received and the changes have been made.

No opposition.

Planning Commission report stated that they had no objection to the application but felt that it should be by appointment only, if granted.

In the application of Joseph and Maude Sholtis, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home, 9625 Braddock Road, Springfield District, Mr. Smith moved that the application be approved as applied for, with the following conditions -- this is for home occupation only, granted to the owner-occupant only; and will be by appointment only, between the hours of 9 a.m. and 8 p.m. and all other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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ROBERT S. CRITES, app. under Sec. 30-6.6 of the Ordinance, to permit erection of carport 23 ft. from Danny's Lane, Lot 89, Sec. 3, Sunset Manor, 3635 Danny's Lane, Mason District, (R-12.5), Map No. 61-4 ((17)) 89, V-58-69

Because of the location of his house on the corner lot it is not possible to add any kind of a carport without getting a variance, Mr.Crites stated. A substantial number of houses in Sunset Manor have carports and others could be built within the zoning regulations. He would like the carport because on rainy days school youngsters collect at his house and this would give better shelter for them.

A 24 ft. carport would be a double carport -- a maximum request, Mrs. Henderson said. It could be moved back and over to the side line and have a smaller carport. Very few houses have double carports, and some have no carports at all.

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ROBERT S. CRITES - Ctd.

This request is for the maximum rather than the minimum, Mr. Smith said, and the Board is only authorized to grant minimum relief. Normally the Board considers a one car carport adequate except in extreme situations. The applicant could have a tandem style carport and get the cars under shelter by doing this.

Mrs. Henderson said she could see no justification for granting this request.

Mr. Smith moved to defer action for the applicant to try to come up with a better solution, to move it back so it will not encroach on the front property line.

No opposition.

Mr. Barnes seconded the motion to defer. Carried unanimously.

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Letter requesting withdrawal was received regarding the application of RAVENSWORTH RESEARCH ASSOCIATES, app. under Section 30-6.6 of the Ordinance, to permit erection of building 25 ft. from Port Royal Road, 5401 Port Royal Road, Lot F-1, Sec. 2, Ravensworth Industrial Park, Annandale District, I-L, Map No. 79-2 ((4)) F1, V-60-69. The applicant intends to submit another application which includes another piece of property, along with Parcel F1.

Mr. Smith moved that the application be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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ROSE HILL FARMS COMMUNITY CENTER, INC., application under Sec. 30-7.2.6.1.1 of the Ordinance, to rebuild snack bar and storage area, Lot 2A, Highland Park, 6406 Telegraph Rd., Lee District, (R-12.5), Map No. 82-3 ((4)) 2A, S-55-69

Mr. Peter Yerkison requested permission to rebuild the existing snack bar with a new facility. They are now operating in nothing more than a shack for snack bar facilities. They plan to sell hot dogs, hamburgers, drinks and candy, all pre-packaged items. One of the best sellers is the small pizza which comes in cellophane wrappers and heated in infra-red ovens. This is a non-profit facility. They are very anxious to get started with the construction.

Where is the community building located, Mrs. Henderson asked?

They have no club house, Mr. Yerkison said. They have a bath house facility which has the center portion for administrative purposes and recreational equipment storage. They have tennis courts on one side of the snack bar.

The plans do not show the tennis courts, Mrs. Henderson stated. A letter has been received from the adjacant property owner which confuses her somewhat, she continued -- it talks about Maryview Drive as if there were access to this property through Maryview Drive.

The Maryview cul-de-sac is further to the rear of the area and it is not used as access, Mr. Yerkison told the Board. He, too, had received a copy of the letter and felt that the comments in the letter were not really pertinent, perhaps the writer was looking to the future. The cul-de-sac area abuts the remaining property owned by the applicant and it is generally wooded and looked upon by the people living there as a private park. There is a barricade at the end of the cul-de-sac and no plans by the Association to use this property. They might be required to cut a few of the trees in order for the Health Department to move equipment in for clearing out weeds and brush - the Health Department contacts someone to cut the weeds by hand now, and then bills the applicant.

The original motion says no building or use shall be located closer than 25 ft. from the property line, Mr. Smith said, and this snack bar has been in violation for a long time.

The new facility could not be 12 ft. from the property line, Mrs. Henderson said, and she did not know what would have to be done about the cinderblock facility housing the filter equipment.

Mr. Smith suggested that the applicant submit new plats showing all existing facilities, entire parking area, number of parking spaces, everything existing on the property now and everything proposed, and everything should meet the 25 ft. setback as required by the original motion granting the use. He was concerned about the building housing the chlorine operation and the filter equipment, perhaps it should be moved over to meet the setback requirements.

The Board should look at the building permit on that to see what was stated as to the location of the filter equipment at that time, Mrs. Henderson said. The Board should find out what the original plans showed. It would be unreasonable to hold the present membership responsible for this if there is no present member who had anything to do with the original application.

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ROSE HILL FARMS COMMUNITY CENTER, INC. - Ctd.

This Board has no right to grant a variance on a motion of 1957, Mr. Smith said; the members will have to change the location of the buildings and comply. He was concerned about the chlorine tanks located this close to a residential area -- it could be dangerous, he said.

No opposition.

The applicant has got to get a new plat showing all facilities now on the property and most certainly will have to relocate the snack bar, Mrs. Henderson said. The filter system is now existing and there is plenty of room to move it if the Board asks that it be moved. The snack bar will have to be 25 ft. off the property line. When the time comes, they can consider the other problem of the existing filter' building which did not follow the original requirements.

Mr. Smith felt that the applicant should include on his new plats the number of parking spaces and size of the pool. The snack bar is in violation of the use permit.

Mr. Whitestone said he was under the impression that the buffer zone was down one side of the property, along the side of the existing houses.

The motion says "on all sides", Mrs. Henderson told Mr. Whitestone.

Mr. Smith moved to defer for new plats. Seconded, Mr. Yeatman. Carried unanimously. Deferred to April 29.

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ROBERT LEWIS COHEN & RALPH AGUSTUS SHIELDS, JR., application under Section 30-7.1.1 of the Ordinance, to permit operation of dental office in apartment, 6200 Wilson Blvd., Mason District, (RM-2) 51-3 ((1)) 43, S-65-69

Mrs. Henderson asked to know under what section of the Ordinance the application is being filed -- she was doubtful that it was even permitted.

Mr. Odin stated that he was relying on Section 30-2.2.2 which is the table in the RM-2 district. It specifically states that limited commercial facilities are allowed within a multi-family dwelling such as a drug, perfumery, florist, barber or valet shop, a beauty parlor, newsstand, coffee shop, delicatessen and stenographic service or a use similar to the above; provided such facilities are designed primarily for the use of residents of the multi-family dwelling, and further that there shall be no entrances direct from the street to such businesses and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.

Mrs. Henderson said she did not think he could come under this group VI as the office must have the appearance of a single family residence.

Mr. Odin said he believed that if the Ordinance had meant to exclude this, it should have said Group VI uses except medical offices in multi-family residential units. He is merely relying on the "similar use" provision, he said. These two doctors have been together for 25 years in the practice of medicine in Arlington County and they would like to move into this multi-family dwelling. The Cavalier Club Apartments is a 220 unit, twelve story facility. The dental office would be in the rear section of the southwest corner of the building, away from McKinley Drive. There would be no outside advertising or display. All access to the building is by four lane roads. Property abutting and closest to this is commercial and there is a service station just down the street. There would be no lighting or changes on the outside structure. This property is located just on the Fairfax County-Arlington County line and it was through an oversight and of misrepresentation in that what they are pursuing today came about because they did not realize that this was in Fairfax County, and they knew the use was allowed in Arlington County. The office is now almost completed, and an investment of $15,000 has been made in putting in facilities for x-ray equipment, etc. The building they are located in now is being destroyed and they must move. The people who managed the building were over in Silver Spring and they called and it was reviewed under the Arlington ordinance and thereafter it was determined that this was in Fairfax County. Electrical and plumbing permits were issued by Fairfax County to the construction people but no building permit was demanded while this was going on until later when they started the closing and it was at that time that this came to light.

The Board is asking, Mr. Odin continued, whether these doctors are primarily serving -- and he would point out that when talking about "primary service", this does not mean "exclusively" serving. A dentist is more likely to serve or draw primarily from this apartment unit than a barber shop which only serves one sex, and more often people are apt to get haircuts nearer their work than at home, and certainly more apt to do so than a florist where the use is extremely occasional. It is designed primarily, and this means "firstly" and these people would be the first served.

It doesn't say exclusively, it says primarily, Mrs. Henderson said, and she would personally think that a dentist or doctor would be the last person to primarily serve people in an apartment building because those people would continue to go to the doctor and dentist they were accustomed to going to.

ROBERT LEWIS COHEN & RALPH AGUSTUS SHIELDS, JR. - Ctd.

That's somewhat true of beauticians, Mr. Odin stated. There is another use that's really surprising, if it means that it's got to be of preponderance, and it doesn't say that, or majority of the business must come from the property, he believed that what they were referring to is like the restaurant in design into an apartment unit and it is to serve that apartment and designed to serve the people within but there is no care whatever that others may be coming into that restaurant.

What is this similar to, Mrs. Henderson asked? Stenographic service?

In reviewing the word "similar" it would appear that it means analogous, Mr. Odin said, or things which are unlike having a likeness to, and similarity obviously does not mean identical. He was of the opinion that there is certainly a similarity between barber shops, for instance, and dentistry; they are attracting people from outside; both of them are working in the area of the head, somewhat facetious but true. Both of them are engaged in an operation that requires plumbing of a specific nature. The noise created by one is somewhat similar to the other, both of them are engaged in an occupation where the customer is sitting in a chair as they are working on them, and this is quite true with a beauty shop. The similarity with regard to impact is considerably less with a dental office than with a barber shop, and the dental office does have many functions which are like unto the public stenographer, as far as his records keeping are concerned. With regard to the drug store, the similarity is quite slight -- they dispense medicine and they are primarily engaged in a medical occupation, and a dental office is allowed in a residential area where without greater provisions the barber shop would not be. A dental office is more acceptable in residential areas than these other uses would be.

Is there any particular reason why the doctors picked an apartment building rather than a medical office building of which there are a good many in the County, Mrs. Henderson asked?

Perhaps if they had known what they were getting into, Mr. Odin replied, they would have reconsidered, but in talking to them, first of all they have been practitioners next to apartment units in Arlington County prior to this time. Dentists would be limited to a Commercial Office zone or a use of this nature - under Section 54-1.47.1 of the Code of Virginia. In this particular case, they were advised that this space was available, and really nothing more than that at that particular time.

Mr. Smith agreed that this operation would be similar to a barber or beauty shop but there are other factors involved in the dentist's office that he was concerned about and that was the radium, x-ray machines, etc. associated with this operation. Machines used by dentists have a great demand on electricity and could affect radio and television reception if not properly controlled. Are these surgical dentists?

Mr. Odin said he would like to refer to them as "general practitioners". He read the definition of "general practitioner" and he was surprised to find that it was a physician or veterinarian who does not limit his practice to specialty, he said. These gentlemen are general practitioners of dentistry.

There could be objection to general practitioners, Mr. Smith pointed out, as many of them today use diathermic machines which would have some adverse effect on television and radio reception in adjacent apartments. This kind of operation should be allowed in this type of building but it should be isolated from the residential portion of the building. Possibly it could be soundproofed to eliminate any noise or possibility of radioactivity.

Mr. Shelley with the management of the apartments, stated that lead shields have been installed in the area used by the x-ray machines and all electrical equipment for the dentist's office will have completely separate service - it will have nothing to do with the tenants above and below. This will have nothing to do with television or radio interference. They will not be using diathermic machines.

Mr. Yeatman said he had known the doctors for 25 years, and spoke very highly of them.

It may have been an oversight that this was not included in the Ordinance as a use allowed in apartment buildings, Mr. Smith suggested, and if they let a beauty shop or barber shop go in, he felt that a dental office was more of a necessity than a perfumery or barber shop or beauty shop because it is in the interests of health and welfare of all the citizens. He thought this was a needed service in the apartment units and did not disagree with the applicant's attorney.

No opposition.

Mr. Smith asked Mr. Woodson what his position was on allowing this type of use in apartment buildings.

Mr. Woodson said that most people in apartments come from other areas and when they come here they don't know the area or a dentist in the area, and there should be someone in the building they could go to.

Consensus of the Board was that perhaps omitting this use from the Ordinance was an oversight and should be brought to the attention of the Board of Supervisors to see if the Ordinance needs to be amended.

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ROBERT LEWIS COHEN & RALPH AGUSTUS SHIELDS - Ctd.

In the application of Robert Lewis Cohen and Ralph Agustus Shields, Jr., application under Section 30-7.1.1 of the Ordinance, to permit operation of dental office in apartment, 6200 Wilson Boulevard, Mason District, Mr. Smith moved that the application be approved under the following conditions;that the safeguards mentioned be installed in this building, that the apartments above and to the sides be shielded from any possible x-ray overflow, noise or other factors which would disturb the general use of the residential character of these apartments; that the applicants meet all the State and County codes for this type of use, including the Health Code and this particular area of office use. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried 4-0, Mrs. Henderson abstaining because she said Mr. Odin's arguments were quite convincing but she was not quite convinced that this is permitted, and since she was not sure she would not want to vote against the doctors unless she had better reason than doubt. Carried 4-0.

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ANNANDALE MOOSE LODGE #646, application under Section 30-7.2.5.1.4 of the Ordinance and Section 30-6.6 to permit operation of Moose Lodge in old fire department building, and permit building closer to property lines than allowed, located on S. side of Rt. 644, Franconia Rd., approx. 500 ft. west of Franconia Elementary School and approximately 800 ft. east of Growedale Dr., Lee District, (RE-1 and R-17), Map No. 81-3 ((5)) part of 2, S-26-69

Mr. Geschickter requested that the application be withdrawn as there was no way they could get the parking spaces required by the Board.

Mr. Barnes moved that the application be allowed to be withdrawn without prejudice. Seconded, Mr. Baker. Carried 4-0, Mr. Smith abstaining because he did not hear the original presentation.

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Mrs. Henderson read a letter from the attorney representing Dr. Herbert Hughes at 2300 Sherwood Hall Lane, abandoning the project.

Mr. R. F. Hull, adjacent property owner, asked if the special report requested at the public hearing was available.

Neither the report nor the scheduling of the rehearing was done since the withdrawal of the application was requested, Mr. Knowlton informed.

Mr. Yeatman moved that the application be withdrawn with prejudice. Seconded, Mr. Barnes. Carried 3-0, Mr. Baker out of the room, and Mr. Smith abstaining.

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Mrs. Henderson read a letter from Mr. John T. Hazel, Jr., requesting withdrawal of the application of MEDICAL STRUCTURES, INC. scheduled for hearing April 22. Site plan application has now been filed based on the original use permit, the letter said, and the project will proceed without further revision. The application for 250 beds was deferred for a Planning Commission study which is underway at this point but not yet ready for presentation.

Mr. Smith moved that the application be withdrawn at the request of the applicant, without prejudice. Seconded, Mr. Barnes. Mrs. Henderson felt that it should be with prejudice, however, motion carried 4-1, Mrs. Henderson voting against the motion.

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Mr. Knowlton asked two questions regarding the original motion which was granted to Mr. Rolfs for a nursing home. The applicant in the original application was Mr. Rolfs and the site plan has been submitted in the name of Medical Structures, Inc. and he wondered whether or not this change of name had any effect on the original granting of the application, and whether the building shown on the plat is in fact the building that was approved by the Board in 1963. There are slight variations.

Since Mr. Smith made the original motion, Mrs. Henderson asked if he would like to speak to that.

Mr. Smith said that the normal procedure in this type of motion is if there is any question as to whether the use is not for the land, he normally would imply that it is granted to the applicant only; in this particular motion he did not do this and he did not believe he had ever done that in any other nursing home or medical structure such as this simply because the Board is aware and have had a number of them heard which took several years to construct and had several people involved. Basically the use was for the land itself and for the number of units granted, therefore he did not believe -- and as late as last July there was someone else talking about being the operator of this nursing home and the Board did not at that time question it -- therefore he moved that this is a valid permit for the number of units stated in the original motion of 1963.

There was no need for a motion, Mrs. Henderson said, unless there was objection from some Board members. It seemed to her that a use permit of this nature as long as it is in force and has been extended as many times as this one has been extended does run

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with the land. Whoever the ultimate operators are makes no difference. The next question is whether or not the site plan as submitted conforms to the original motion.

Mr. Smith said he felt that it did. This is referred to in the minutes as a two wing structure with a central unit and he would say that the site plan now before the Board meets the intent of the motion. It also meets all setback requirements of the Ordinance. He would not want to imply that it is his intent to enlarge upon the original granting, he said, but it would appear to him that the two wings with the central unit was what was originally granted, and it does meet the parking space requirements.

126 parking spaces were required in the original motion, Mrs. Henderson said -- this does not meet that requirement, but there is plenty of room for more parking. It meets the requirements of the Ordinance as to setback but the requirement in the motion said "nursing home as located" and this was 125 ft. from the side property line; this should be maintained. She said she did not think the nursing home shown on the original plat was anything like the one before the Board today.

The intent of the original motion was for two wings, Mr. Smith said.

The intent as Mrs. Henderson saw it was that each side of the central section was referred to as a wing. Those extensions are ells. There must have been some reason the Board granted the nursing home 125 ft. from the property line. Perhaps the building shown on the site plan could be moved over 25 ft. to meet this requirement.

This was not spelled out in the motion, Mr. Smith said, and it concerned him to require something now that was not spelled out at the time.

What did you mean, Mr. Smith, when you said "as located" in this motion, Mrs. Henderson asked?

Mr. Smith said he could not associate the plat with the application. Would moving the building over 25 ft. necessitate a new set of site plan drawings, he asked?

Mr. Chilton said that other changes in the site plan were being required and moving the building would involve some grading changes.

The site plan as submitted meets all Ordinance requirements, Mr. Smith said, and it apparently was based on contours, sewer and storm sewer drainage, etc. and to require something now that was not a specific part of the motion, he said he did not know what purpose it would serve. In the original motion it was to be two wings with a central unit, with 160 beds, Mr. Smith continued, and this is one of the bad features of extending use permits over long periods of time.

Mrs. Henderson pointed out that the last extension was July of 1968 and Mr. Smith said at that time that all provisions of the original motion shall apply.

Over this long period of time, Mr. Smith stated, he had never heard any question of building location and as long as it meets the setback requirements of the Ordinance, there should be no question about it now. He would not want to restrict this to a point to alleviate the possibility of rearrangement of the building to the best advantage of the terrain and to the advantage of the people who would occupy it, he said.

There were different Board members at the time the original motion was made, Mrs. Henderson said. It seems the consensus of the Board is that the site plan when it shows 126 parking spaces meets the requirements of the original motion (although she added that she disagreed with the consensus), and that it is two wings, 160 patients.

A homeowner and member of the Citizens Association who did not identify himself, stated that the plans presented now were not like the ones he saw originally. Also, in 1963 it was stated that the building would have two levels no higher than homes in the area and would be of contemporary design. He had measured his house, he said, and from top to bottom it was 19 ft. 6 inches. The elevation of this building on the site plan is 29 ft. 9 inches plus the rear elevation is built up from Columbia Pike 12 ft. This brings the top of the building 41 ft. 9 inches, completely over the whole area and in order to screen it some way they would have to immediately grow a 50 ft. tree.

Permitted height in this zone is 35 ft., Mr. Smith said. It was the intent of the granting to limit this building to the height of the zone. It was not stated in the motion that the building would be no higher than the homes in the area, Mr. Rolfs said that.

Mrs. Henderson stated that unless the provisions are put into the motion they have no legal validity. The applicant cannot be held to them unless it is tied to the motion. All statements made in testimony are considered by the Board in making their decision but unless the motion states a height limit, they can build up to the height allowed in the zone. She read the motion -- "Mr. Smith moved that Mr. Rolfs be permitted to erect and operate a nursing home on 8 3/4 acres.....be approved and this is granted for a maximum of 160 patients and parking shall be provided for 126 cars. All other provisions of the Ordinance shall be met. Seconded Mr. Barnes. Carried unanimously."

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There were two Smiths on the Board at that time, Mr. Smith said -- did he say that or did Mr. Eugene Smith make the motion?

It must have been Mr. Eugene Smith, Mrs. Henderson said, and read further -- "Mr. Eugene Smith said he was very familiar with this site; he suggested that a service road be required on the site plan. Mr. Dan Smith suggested deferring this for the Planning Commission to consider again. The Board did not go along with that. This would appear to serve as a satisfactory buffer along Columbia Pike, Mr. Eugene Smith pointed out. Limited institutional uses, churches, schools, etc. are probably the best solution to a major highway. Homes directly on Columbia Pike are subject to adverse effects from traffic on the Pike. This will be a low structure, two stories, and a low total of ground coverage, it would be very much in the nature of a church, and the nursing home existing on Columbia Pike has not adversely affected the homes or the orderly development of the area, therefore Mr. Smith moved -- " and now we see that it was Mr. Eugene Smith, Mrs. Henderson said.

Mr. Smith said it was his opinion that the site plan meets the intent of the original motion.

Mr. Yeatman did not wish to comment as he was not a member of the Board in 1963, however, he said he would vote with the majority of the Board.

Someone in the audience asked what recourse the citizens would have.

The only recourse for the citizens is to appeal the approved site plan to the Planning Commission and if they approve the site plan they could then appeal their approval to the Board of Supervisors within 10 days after approval, Mrs. Henderson said.

The particular question, Mr. Chilton said, is the Board's decision rather than his decision.

Someone in the room asked about the study that was being made on nursing homes.

The study is still going on, Mr. Knowlton informed, but it could not pertain to this nursing home which was approved in 1963.

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Letter from Mr. Hazel requested extension of six months on the special permit issued to Westview Association which expires April 23. Site plan has been approved but they might not be able to acquire a permit prior to the expiration date.

Mr. Smith moved to grant six months extension from date of expiration, April 23 - Seconded, Mr. Barnes. Carried unanimously.

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G. T. WARD - Request for extension of two years, 9600 Burke View Avenue, to permit horse stable closer to side and rear property lines.

Mr. Woodson reported that he had received no complaints about the stable.

Mr. Smith moved that the Board grant a 30 days extension and that the applicant be notified that the Board would like to review the application to see if the area has changed and Mr. Ward should be present.

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Mrs. Henderson read a letter from Mr. Sparrow regarding the William H. N. Hatcher stable, complaining about flies and odors from the operation, and calling attention to people parking along Lewinsville Road to watch the horses.

This situation happens anytime youngsters can see a horse, Mr. Smith said, and he asked Mr. Woodson if he had received any complaints about flies and odor last summer when this was happening?

Mr. Woodson replied that he had not.

If there was any problem last summer why didn't they call it to our attention at that time, Mr. Smith asked?

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Meeting adjourned at 5:45 p.m.
By Betty Haines

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

May 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 8, 1969 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.

MARGARETE CHAMBERS, app. under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a one chair beauty shop in home as home occupation, Lot 9, Block A, Section 1, Woodley West, 3201 Rollin Road, Providence District, (R-10), Map No. 60-1 ((22)) (A) 9, S-59-69

Mrs. Chambers stated that she wished to have a one chair beauty shop in her home as her husband has been ill for a long time and she might have to retire next year and would like to work from her home. The inspections have been made and everything was found to be satisfactory.

Mr. Smith pointed out that application should have been made for a variance as the house is too close to West Grenstead Street.

Mrs. Chambers said she did not know how this occurred. The house was about eight years old when they moved in in 1962.

Mr. Woodson stated that the street was cut through after the house was built and this is what caused it to be non-conforming.

As long as the house remains strictly a dwelling no variance would be necessary, Mr. Knowlton said, but he thought that a change in use would require a variance. If the Board, however, wants to rule that it does not need a variance, the staff would follow this policy from now on.

No opposition.

Mrs. Henderson pointed out that the parking shown on the plat does not meet the setbacks.

The Board discussed parking at length. Consensus of the Board was that the customers should park in the garage and the apron could be extended over to the right side of the property and the applicant could park her car there.

The Board discussed the question of whether or not a variance was necessary. Four members felt that the variance should be advertised and posted at the County's expense since this was through no fault of the applicant, and the application for use permit should be deferred until the variance is considered.

Mr. Baker moved to defer to April 22 for advertising and posting the variance at the Board's expense. Seconded, Mr. Yeatman. Carried 4-1, Mr. Smith voted against the motion as he felt the variance was not necessary in connection with the use permit.

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THOMAS TOLLEY, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 55 ft. from a 20 ft. outlet road, 10231 Vale Road, Centreville District, (RE-1), Map No. 37-2 ((1)) 35, V-63-69

Mrs. Tolley stated that they moved to this property in August. The proposed addition is to make the bedrooms larger. The house was too small to start with, but they bought the house because of the small children who need play space and this has a big yard.

No opposition.

This is a very narrow lot, Mr. Smith stated, and the location of the dwelling dictates where the addition will be placed. The house will still be 55 ft. from the outlet road which is only a 10 ft. variance. In the application of Thomas Tolley, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 55 ft. from a 20 ft. outlet road, 10231 Vale Road, Centreville District, Mr. Smith moved that the application be approved as applied for. This is a long, narrow lot with 1 1/2 ac. of land involved and the present house dictates where any addition would go. It should be pointed out that the addition will be 55 ft. from the outlet road, or this is granting a 10 ft. variance. This is granted in order that the applicants might enlarge the dwelling to provide housing for their family. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC., application under Section 30-7.2.6.1.2 of the Ordinance, to permit erection of fire house, N. side of Little River Turnpike opposite Guinea Rd., Providence District, (RE-1), Map No. 58-4 ((1)) 63, S-61-69

Mr. Hansbarger represented the applicant.

The application is for the wrong lot, Mr. Knowlton informed the Board, and the advertising which was carried in the Fairfax City Times on March 27 and April 3 was for Lot 63 instead of Lot 62. The wrong parcel was also posted, and there is a request from the Planning Commission that they hear this under 15-1.456 of the Code, if there is any County money involved. The Fairfax County Site Selection Committee has not given any ruling yet.

Mr. Hansbarger said that he was under the impression that the application was made for Parcel 63. 62 is adjacent to it. he had been advised that the County had corrected the situation and paid no more attention to it. To be on the safe side he did go out and notify the other adjacent property owners. Lot 63 is owned by the Argyle Investment Corporation. One of the conditions for approval by the Fire Commission was that they get the consent of that owner for an easement across the front which can be dedicated publicly for installation of a service drive. In that regard, he presented a letter dated April 7 from Mr. Hobson, attorney for the land owner and secretary of the Argyle Investment Corporation, which stated that if a special use permit is granted, Argyle Investment Corp. will convey to the fire department an easement for public street purposes, 40 ft. in width, adjacent to the northerly boundary of Route 236 along the entire frontage of Argyle Investment Corp. in return for the contractual commitment of the fire department to construct on the easement within one year from conveyance, a service drive in accordance with the standards of the County and the Highway Department, and to dedicate the easement to public use.

Even though the wrong parcel was posted, Mr. Hansbarger continued, all of the adjacent owners have been notified, as well as a number of other people in the area, and they have signed petitions to the effect that they are in favor of the application. The Site Selection Committee wants to make some comment on this, but as he reads the Statute and Code, he does not feel that they are involved in any way. Mr. Hansbarger said he had letters from Mr. Burton, the Fire Commission, to the effect that this is an appropriate location, and furthermore, conceding that the Planning Commission has to consider this, they have sixty days in which to make a recommendation and they have continued this to a date beyond which this would run.

Mrs. Henderson asked Mr. Pask why the Commission did not consider this within the sixty days.

The recommendation had not been conveyed from the Site Selection Committee, something to do with an easement, Mr. Pask said.

When they approved this back in November, the Fire Commission indicated at that time it would be necessary to get an easement, and they did that, Mr. Hansbarger said. Nowhere in the Ordinance could he find that they would have to go to the Site Selection Committee. This has been approved and he assured Mr. Burton two weeks ago that they had the easement. The Code refers to "public uses" and there is not a penny of County money involved in this; the Fire Company is bearing all of the expense. Even under the County Ordinance in the definition of "public use" fire stations are specifically exempted.

There are two reasons for the Planning Commission being involved, Mr. Knowlton stated -- (1) the money that the County puts into this is part payment for equipment and professional personnel, and (2) although adopted on the Land Use Plan the definite location of a public facility has to be approved by the Planning Commission and the Board of Supervisors initiated the Site Selection Committee to make recommendations before it goes to the staff level.

They have been to the Site Selection Committee, the Fire Commission, the Planning Commission and now the Board of Zoning Appeals, Mr. Hansbarger said. This has been approved in the Fairfax Plan for this location. This is not a public use under the County Ordinance; fire stations are specifically exempted from the definition of a public use.

Mr. Pask stated that the Planning Commission received the Board of Zoning Appeals agenda in accordance with the Ordinance requirements for thirty days notice. The Planning Commission staff proceeded to schedule the hearing. Soon after it was scheduled the Planning Commission was advised that according to the Board of Supervisors the Site Selection Committee must first review this. Under these procedures the Planning Commission cannot schedule a hearing until they have a Site Selection Committee recommendation. This was adopted as a policy last September.

Mr. Hansbarger presented letters and petitions from people in the area in favor of the application.

The Board concurred that adequate notice had been given and proceeded with the hearing.

It could be pointed out, Mrs. Henderson suggested, that the 30 day submission to the Planning Commission required by the Ordinance has expired, but not under the Code so the Planning Commission still has time in which to act under Section 456 (60 days).

Mr. Knowlton told the Board that the adopted Master Plan for this area does show a fire station in this vicinity.

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ANNANDALE VOLUNTEER FIRE DEPT. - CTD.

The Fairfax County Facilities Site Selection Committee notes that the proposed site is in conformity with adopted or proposed site location, Mr. Hansbarger said. One further thing, withregard to that, on November 12, 1968 the Fire Commission met with regard to this site and Mr. Hancock moved that the Commission approve the location proposed by the Annandale Volunteer Fire Department and its development of detailed plans for utilization of the site. Motion carried unanimously.

This will be abrick building, Mr.Hansbarger continued, and this is an area where people are in support of the application.

Mr. Cline, President of the Company, stated that there would not be a siren on this station. They would use the tone alert system. All firemen in the area will be on a tone alert system set off by Central Fire Control. This is a very expensive system. They will need from 50 to 100 monitors at a cost of $220 each. All entrances to the fire station will be via the 26 ft. wide service road. The station in Annandale will continue in its present operation and they will move two pieces of equipment from Annandale.

Does the County pay for equipment, Mr. Yeatman asked?

The County commitment on present stations is maintenance of equipment, $2500 on new equipment, and they pay the utilities and paid firemen, Mr. Cline stated.

Mrs. Henderson noted for the record the copy of a petition with 145 signatures, a letter from the church indicating approval and a letter from Benjamin Acres School, in favor of the application.

No opposition.

In the application of Annandale Volunteer Fire Department, Inc., Mr. Smith moved that the public hearing be completed on the application, and that decision be deferred to April 22 for a report from the Planning Commission. Seconded, Mr. Barnes. Carried unanimously.

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VICTOR J. ROSENBERG, application under Sec. 30-6.6 of the Ordinance, to permit division of lot with less width than allowed, 2901 Fox Mill Rd., Centreville District, (RE-2), Map No. 36-1 ((1)) 22, V-62-69

Wouldn't this be a perfect example for the pipe stem arrangement, Mrs. Henderson asked?

The pipe stem would not have proper lot width at the front lot line, Mr. Knowlton said. Probably the best thing to do in a case like this would be to do away with the 20 ft. easement. The lot on the front is not a corner lot except that the easement makes it so. The rear lot has frontage on Shady Mill Lane.

Is the easement existing, Mrs. Henderson asked?

The easement existed before Hidden Valley Subdivision was recorded, Mr. Knowlton said.

Mr. Rosenberg told the Board that had he been able to get access onto Shady Mill Lane he would not have been required to come before the Board but it is a private road and he would not be allowed to use it. When the subdivision was put in the developer reserved title to the property to give contiguous land owners an easement to their homes and he will not permit Lot 2 to use it.

Mr. Rosenberg stated that he is owner of 4+ acres of land which he proposes to subdivide.. He has lived on the property for almost three years. His house is on Lot 1. He will not need any variances on setback as all he plans to do is subdivide the property, build a house on the back part of the property, or sell a lot, and the only way he can do this is to create an access easement. Zoning regulations require a corner lot to have 225 ft. of frontage in this zone. In proposing the access easement he now has a corner lot and as a result needs 225 ft. of width and only has 220 ft.

Mr. Smith said he could see no hardship involved unless the applicant has a plan to develop this or utilize it for his own purposes.

He owns too much land and not enough house, Mr. Rosenberg stated. His family has increased since moving here and he needs the money from selling one lot in order to expand the house he lives in. The lot is especially narrow in width and this was not brought about by anything that he did.. This parcel existed prior to adoption of the Subdivision Control Ordinance.

Mr. Rosenberg pointed out that his southeastern boundary line is the dividing line between one acre and two acre zoning, and the corner lot in RE-1 zoning would need only 175 ft. frontage. Granting a variance would not make his subdivision out of character with existing and future development of the area. He cannot purchase an additional five feet of property to meet the requirements. To grant the variance would

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not cause an influx of applications for variance from adjacent land owners; they all have sufficient width or have access to Shady Mill Road, or have covenants to prevent them from subdividing. The Highway Department approved his entrance onto Fox Mill Road and the Health Department made satisfactory percolation tests on the property. The only problem he has is in the width requirement.

Mrs. Henderson said there was still a question in her mind as to whether or not it is better to make this a pipe stem to Lot 2 with Lot 2 owning the easement.

Mr. Knowlton explained that strictly from the Code the front lot has frontage; the rear lot has no frontage. This plan has a stamp on it already saying it does not come under Subdivision Control. Were it under Subdivision Control he would have to provide street frontage to both lots, however, if he provides any frontage it has to meet the frontage requirements. Creating a pipe stem would put two lots in violation. With the easement the front lot does not have enough frontage as a corner lot.

Mr. Smith felt that the existing structure should have been shown on the plats presented with the application.

Mr. Rosenberg said it is a two bedroom log cabin. Before he purchased the property he checked to see if it could be subdivided and was advised that he had sufficient frontage.

Mr. Smith questioned Mr. Rosenberg's statement that he could not get access to Shady Mill Lane, and Mr. Rosenberg admitted that he could use it for $5,000.

It might cost more to fix up Fox Mill Road, Mrs. Henderson commented.

No opposition.

Mr. Smith moved that the application be deferred for 30 days to allow the applicant to submit new plats showing the buildings on the land and that the applicant submit to the Board proof of being denied the use of Shady Mill Lane to serve proposed Lot 2 eliminating the necessity for variance. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH AND MARY CARLSON, app. under Sec. 30-6.6 of the Ordinance, to allow dwelling to remain 45.30 ft. from Carlson Rd., 6907 Carlson Rd., Centreville District, (RE-1) Map No. 65 ((1)) 84, V-64-69

Mrs. Carlson stated that she had the lot surveyed and the surveyor showed them the corner. She helped the contractor lay out the house. They measured back and got the right distance on one corner, however, the road location made them off on the other corner. The property in question was a part of her own property that was cut off and sold to her son and his wife. The Carlsons live in the adjacent house. Her son is building the house himself and there are only two other houses on that road. The road was grown up with trees and brush when they started constructing the house and it was hard to tell exactly where it was supposed to be, even though it was dedicated when they bought the land.

No opposition.

In the application of JOSEPH AND MARY CARLSON, application under Section 30-6.6 of the Ordinance, to allow dwelling to remain 45.30 ft. from Carlson Road, 6907 Carlson Road, Centreville District, Mr. Smith moved that the application be approved, and should also include the names of the ultimate owners of the property, Otha D. Allen and Vera Allen. The applicant has stated that this is an error in staking out the house. Carlson Road was not laid out at the time the house was laid out. The house meets the setback requirements in all instances except for one corner, and the application meets the requirements of paragraph four of the variance section of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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WALTER R. DICKSON, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, 8753 Richmond Highway, Mt. Vernon District, (C-G), Map No. 109 ((2)) 7A & 8, S-66-69

Mrs. Henderson read a letter from the Planning Commission requesting deferral of the application in order that they could consider it and make a recommendation.

Mr. Smith moved that the application be deferred to May 13 at the Planning Commission's request, as agreed to by the attorney for the applicant. Seconded, Mr. Barnes. Carried unanimously.

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MT. VERNON YACHT CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of addition to existing bath house, Yacht Haven Estates, 4817 Tarpon Lane, Mt. Vernon District, (RE 0.5), Map No. 110-3, S-71-69

Mr. Halpin stated that last year the Yacht Club decided to replace the old swimming pool since they were having problems with it. In the process they decided to build a larger one and this has been done.

Mr. Smith pointed out that they should have come back to the Board before they enlarged it.

This was approved by all the County departments, Mr. Halpin said.

Mr. Smith asked the Board to defer this until there was some clarification of how the pool was enlarged without the Board's permission.

The Board recessed the hearing on this application until the original file was obtained.

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COLUMBIA SECURITIES COMPANY OF WASHINGTON, D. C., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, on easterly side of Old Mt. Vernon Road, Rt. 623, opposite Cherrytree Drive, Mt. Vernon District, (RE 0.5), Map No. 110-4 ((1)) pt. par. 3, S-68-69

Letter from the applicant's attorney indicated that the Planning Commission was requesting deferral and the applicant was agreeable.

Mr. Smith moved to defer to April 29. Seconded, Mr. Barnes. Carried unanimously.

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CLENNIE I. LEVEZZO, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, Lot 6, Blk. 72, Sec. 7A, Monticello Forest, (R-12.5), Map No. 80-3 ((3)) 6, S-67-69

Mrs. Henderson read a note from the Clerk to the Board which said that Mrs. Levezzo had withdrawn her application by telephone since she had met with opposition from the Vincent & Vincent Beauty Salon nearby. She also noted four letters from other neighbors in opposition. The adjacent neighbors, the Bryants, were present in opposition.

Mr. Smith moved that the applicant's request be allowed to be withdrawn but not because of the objection from Vincent & Vincent. It was his feeling that Vincent & Vincent had no place in this hearing in opposition as this is a use which is allowed in a residential area under certain conditions. It should be noted that the two property owners adjacent to this are present in opposition and in view of this, maybe the decision to withdraw was wise. If Vincent & Vincent are opposed to all home occupation beauty shops, they should go before the Board of Supervisors and have it deleted from the Ordinance. He moved that it be withdrawn without prejudice. Seconded, Mr. Barnes.

Mrs. Henderson said she thought the application should be withdrawn with prejudice, and knowing the location of this, it would be hard to grant because it is so close to a shopping center, In the interests of the adjacent property owners who object to this, it should be with prejudice so they would not be forced to come back in another year or so.

Mr. Barnes withdrew his second, Mr. Baker seconded the motion to defer without prejudice.

Motion carried 3-2, Mrs. Henderson and Mr. Barnes voting against the motion.

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WARREN SHERMAN BAUSERMAN, app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit sale of travel campers, portion of Lot 4, Hugo Maters Subdivision, Lee District, (C-G) Map No. 90-2 ((11)) 4, S-69-69

Mr. Bauserman presented his notices but he did not know which two were adjacent owners. The Board recessed the hearing until the applicant could determine which two were the adjacent owners.

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The Board resumed their hearing on the application of MT. VERNON YACHT CLUB. Mr. Halpin presented copy of building permit issued 23 October 1968 for renovation of existing pool.

This was not a renovation, Mr. Smith said; it was replacement and enlargement. How much did the Club pay the pool company to do this, he asked?

Mr. Halpin said they were paid $28,000.

MOUNT VERNON YACHT CLUB - CTD.

Mr. Smith was concerned about the difference in the amount paid and the amount shown on the building permit, $12,000. He would like to defer, he said, to allow them an opportunity to update their building permit and show the correct amount. Also the Board should have a plat showing all parking, buildings, gasoline pumps, etc. How many members does the Club have, he asked?

They have 130 members, Mr. Halpin replied.

Mrs. Henderson added that the plats should show the proposed size of the addition.

No opposition.

In the application of Mount Vernon Yacht Club, Inc., application under Section 30-7. 2.6.1.1 of the Ordinance, to permit erection of addition to existing bath house, Yacht Haven Estates, 4817 Tarpon Lane, Mt. Vernon District, Mr. Smith moved that the application be granted for the addition based on the following conditions: that the applicant provide the Board of Zoning Appeals with updated copies of the plat showing all parking, all buildings or structures existing on the property and all proposed buildings or structures as outlined in the application, and that the present building permit application be updated or corrected to show the exact amount of improvements which is closer to $28,000 than $12,000 as shown on the permit application. The Lewis Pool Company should provide this Board with a clarification of why the $12,000 was shown rather than $28,000 which is incorrect and very deceiving. The addition, as long as it meets the setback requirements, as outlined on the plat before the Board meets the requirements of the Ordinance, but the dimensions should be shown on the plat. The Board should have a letter from the pool company regarding the costs shown on the building permit application. No building permit for the addition will be issued until receipt of this information. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Robert Thoburn of the Fairfax Christian School came before the Board and said that he had been granted a permit for 400 students to begin with. Later he came back and asked to build a smaller building and this was approved. This is a third building they want to build and the Board granted a permit for it, but in the process of site plan, the permit expired.

Consensus of the Board was that a new application would be necessary and if it is filed right away, it could be heard on April 29.

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JOHN P. D. CRIST - Letter requested extension of six months due to problems in site plan approval.

Mr. Smith moved to extend for a period of six months. Seconded, Mr. Barnes. Carried unanimously.

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SOMERSET OLDE CREEK POOL - Request for teen and adult nights. Mr. Woodson was authorized to grant one at a time, not all at once.

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KENNETH MORELAND - Request for clarification of motion of March 11.

Mr. Smith said his motion was very specific that Mr. Moreland dedicate 80 ft. from the center line of Pohick Road and 55 ft. from center of Old Keene Mill Road for purposes of widening. Where the park property is not of sufficient depth to provide the widening, Mr. Moreland would provide that necessary. His reason for doing this is simply because he will benefit from the road widening and his property will then be adjacent to the road and he would not be required to dedicate property where this is not necessary.

It is true, Mrs. Henderson noted, that if it is not used for road widening, this dedication would revert to the applicant.

That was the intent of the motion, Mr. Smith said, and he could use the land until it is used for road widening. He is going to eventually derive the benefit from the road widening plus the improved road certainly appreciates the value of his property. He agreed with the motion.

He would dedicate anything within 80 ft. of the center line of the road, Mr. Knowlton asked?

That was the intent of the motion, Mr. Smith said.

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Mrs. Henderson read a letter regarding the variance application of JOSEPH AND HERBERT LATSHAW which was recently granted an extension for a Lum's Restaurant only. The letter asked if a "Earl of Hardwicke, Inc. Restaurant" could be put on the property, very similar to Lum's.

Mr. Smith said that in making the motion to grant an extension to the applicant for a Lum's Restaurant only, he had a specific reason for doing this, simply because the Board has had at least three or four applications for different uses on the property which were never utilized. The Board should hear any application for a different use to find out what kind of restaurant it will be, how much parking will be needed, etc.

The Board concurred. A new application will be necessary.

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Mrs. Henderson read a letter from Mr. Roy Swayze requesting a rehearing on the application of Mr. and Mrs. John E. Roach, Jr., in Leewood, and added that she had wanted to ask the Board herself to consider rehearing the application. It seemed to her that the action of the Board was very inconsistent with past actions and the Board has agreed that use permits even when permitted in residential zones do not belong if they have an impact on the surrounding area. It is certainly not for the general health and welfare of the people in the area to impose a use permit on them that they do not want. No one from Leewood will be using the school. There is another factor, that is the very narrowness of the road and the fact that the entrance to this property is at the bottom of two hills.

Mr. Swayze said he felt the Board was under the impression that the people in the immediate area did not object to this and he would like an opportunity for them to express their opposition.

Mr. Smith said he had not heard any new evidence. It was stated at the last hearing that the Roaches were contract owners, it was stated that the people objected, and the Board discussed the traffic and road situation, so he did not see any new evidence that was not submitted at that time.

Mr. Yeatman said that he had voted for the school and he moved that the Board grant Mr. Swayze another hearing on the application for new evidence. Mr. Barnes said he also voted for the school and he would second the motion for rehearing. The property should be reposted and readvertised for hearing on April 22. Carried unanimously.

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Mr. Chilton discussed a site plan for an automobile agency on Leesburg Pike and the Airport Access Road. A good portion of this is in I-L zoning, and a piece of it is in I-P. One question is whether I-P would permit automobile new car agency. When the plan first came in they sent it back as not permitted in I-P zoning. The plat shows a portion of the building in I-P zoning and the rest is automobile parking. The parking is permitted in I-L as a related use -- would it be permitted in I-P?

Mr. Chilton is absolutely right, Mr. Smith said, the building would have to go in I-L.

Can he park new automobiles in I-P, Mr. Chilton asked?

Mr. Smith felt that he could store new autos and employee parking there.

Mrs. Henderson thought this would not be allowed.

Mr. Smith said it was a lesser use than uses permitted in I-P and could be allowed providing it is properly screened. He moved that they be allowed to utilize the I-P zone for storage of new autos and the parking of employees cars. No storage of wrecked or damaged automobiles would be allowed and the staff should require proper screening around the entire area to screen the storage area from sight. The building should be moved out of the I-P zone entirely and there could be no repairing of autos in any form in the I-P zone. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as she had not had enough time to study this.

The Board discussed the 75 ft. setback from the limited access highway and Mr. Smith felt the applicant could use the area right up to the property line for parking, but not storing, automobiles. Customers could park in the setback area, and the applicant would be allowed to store autos in the I-P zone as long as they are not damaged autos. No unsold products would be displayed in the 75 ft.

Policy

Consensus of the Board was that all buildings whether side, front or rear, would have to stay 75 ft. off airport access roads. Parking may be as permitted within the setback area, customer parking but not display of goods.

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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 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, April 22, 1969 in the Board Room of the Fairfax County Court House. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

FAIRWOOD FREEWILL BAPTIST CHURCH, app. under Sec. 30-6.6 of the Ordinance, to construct addition closer to property line than allowed, 6415 Ox Road, Springfield District, (RE-1), Map No. 77 ((1)) A, V-73-69

Letter from the applicant requested withdrawal.

Mr. Barnes moved that the application be withdrawn without prejudice at the applicant's request. Seconded, Mr. Smith. Carried unanimously.

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LAVONA PERUZZI, app. under Sec.30-7.2.6.1.3 of the Ordinance, to permit instruction in ceramics - 7 classes a week, (4 days and 3 nights); maximum 20 students; sale of supplies; 620 Kentland Drive, (RE-1), Dranesville District, Map No. 6 ((1)) 99, S-70-69

Mrs. Peruzzi said that she has been operating and did not know that she needed a use permit. She described the type of work that is done by her students and added that her table usually has twenty students at a time. She has had a license to sell for many years and did not know about the use permit requirement. She has been operating since April 1965.

Was there a complaint, Mrs. Henderson asked?

No, Mr. Woodson said, but his inspectors were checking out the ceramics instruction places.

Would someone from Falls Church, for example, be able to purchase supplies at your home, Mrs. Henderson asked?

Yes, Mrs. Peruzzi replied. Many of her former students still buy from her. These items are not readily available in hobby shops.

Mr. Smith and Mrs. Henderson felt that this was beyond the intent of the Ordinance, operating a retail sales operation in a home.

Mrs. Peruzzi told the Board that she does not do this for money. She enjoys teaching ceramics and it does so much good for so many people. Sometimes she has workshops for former students who need to come back for advice or for finishing up a piece of work. Many people come for the nice atmosphere; it is a lovely place to work. There are 21 acres in this parcel of ground, Mrs. Peruzzi said. When asked about advertising Mrs. Perruzi replied that she does not advertise in the Yellow Pages, but she has a sign in front of her driveway which says "Ceramics Hideawgy."

No opposition.

Mr. Smith said he did not question the abilities of the applicant, he was sure that she was a very fine lady, doing an excellent job in ceramics instruction, but one of the problems this Board has had with ceramics operations is with the sale of ceramics supplies and this should be done in a commercial zone rather than from the home. The Ordinance limits the sale of supplies to students only and does not allow sales in competition with commercial operations set up to sell these items.

Sales incidental to instruction are permissible, Mrs. Henderson stated, but the applicant would not be allowed to sell to people who just need to buy supplies.

Mrs. Peruzzi said she charges $10.00 a course and 50 cents for workshop. For $10.00 a student gets eight lessons.

Ceramics is a very popular thing and it is good, Mr. Smith said, but the Board should give some thought to allowing the sales of materials beyond the period of instruction. The application should be deferred for 30 days in order to look at the property. How many students live within a mile of this property, he asked?

Four or five of them, Mrs. Peruzzi said.

To limit the sales to materials that are used on the premises of the school would solve the problem, Mrs. Henderson suggested. Kilns will obviously not be used on the property so they should not be sold, she added.

This was agreeable to the applicant.

In the application of Lavona Peruzzi, application under Section 30-7.2.6.1.3 of the Ordinance, to permit instruction in ceramics, 7 classes a week (4 days and 3 nights) maximum of 20 students per class; 620 Kentland Drive, Dranesville District, Mr. Smith moved that the application be approved, that sale of supplies be limited to students

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LAVONA PERUZZI - CTD.

during the instructional period, to be used in the class sessions on the premises. No kilns may be sold. Granted to the applicant only. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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OLD FRONTIER TOWN, INC., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Centreville District, (RE-1, C-G and C-N), Map No. 56-3, S-72-69

Mr. Knowlton advised that the attorney for the applicant would be late due to an emergency. The application was placed at the end of the agenda and the Board proceeded to the next case.

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JOHN R. AND BILLIE L. McDOWELL, application under Section 30-6.6 of the Ordinance, to allow construction of open carport closer to rear property line than allowed, 2006 Volley Court, Mt. Vernon District, (R-12.5), Map No. 102-3 ((15)) 43, V-74-69

Mr. McDowell stated that they have no carport or garage at the present time and the application is for a double garage. The variance is only requested on the rear setback. There would be an enclosed tool shed at the back of the garage.

If the tool shed were left off, Mrs. Henderson pointed out, there would be no need for a variance. She suggested putting the shed between the stoop and the garage, however, Mr. McDowell said the lot has an unusual shape and there are a lot of restrictions and drain easements in the back. It is true, he said, that he could have a 6' x 14' shanty in the back yard by right but it would be more degrading to the neighborhood than this small variance. About half of the houses in the neighborhood have carports depending upon the style of the house. This house was completed in 1966, and he bought the house in 1967. There are many cars parked on the street and he would like to have room to get both of his off the street, therefore a one car carport would not solve the problem.

Why not park one car in the carport and park one car on the apron outside it but not behind it, Mrs. Henderson suggested? Then he could use half of the carport for storage with the car in front of that.

This is one of the most unusual situations he has seen, Mr. Smith said. Normally there is a sewer easement only on one side of the property but this property has a storm sewer easement on the rear and a storm and sanitary sewer easement on the side and his building area is very limited. He could not understand, he said, why the Ordinance will allow an intrusion into the side yard when it would be preferable to have it in the rear. This is a small variance and the applicant will continue to live here and is entitled some consideration.

There is no other place to put the carport, Mrs. Henderson said, but he could certainly place a small detached shed somewhere else.

No opposition.

In the application of John R. and Billie L. McDowell, application under Section 30-6.6 of the Ordinance, to allow construction of open carport closer to rear property line than allowed, 2006 Volley Court, Mt. Vernon District, Mr. Smith moved that the application be approved. This includes the proposed shed as outlined on plats submitted. All other requirements of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried 4-1, Mrs. Henderson voting against the motion as there is an alternate location for the shed and a carport could be built by right without the shed.

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CITIES SERVICE OIL CO., app. under Section 30-7.2.10.2 of the Ordinance, to permit erection and operation of service station, south side of Old Dominion Drive, approximately 380 ft. E. of Kirby Road, Dranesville District, (C-N), Map No. 31-3 ((1)) 85, S-76-69

Mr. Aylor did not have the required notices and requested deferral to May 13. The Board agreed to deferral to May 13.

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Mrs. Henderson read a letter from Mr. Stephen Creeden regarding the Capone Music Store in Annandale which was more than 50 per cent destroyed by fire, asking that the Board regrant the variances and allow them to rebuild the store exactly the way it was. They are ready to start construction immediately. The Board's opinion was that a new application would have to be filed, advertised and posted.

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ELDRIDGE M. GLENN, JR., application under Section 30-6.6 of the Ordinance, to permit construction of addition closer to Tremont Drive than allowed by the Ordinance, 3501 Elmwood Drive, Lee District, 82-2 ((13)) 76, V-75-69

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Mr. Glenn stated that they were expecting an increase in their family and needed an extra bedroom. This is why they are requesting a variance to build a 16' x 14' bedroom.

The plats do not show the dimensions of the addition, Mr. Smith said, and it scales out to be 15' x 17'.

The house just barely fits on the lot, Mrs. Henderson stated.

This is an old subdivision, Mr. Glenn pointed out, and he has owned the house for five years. If they built the bedroom on the other side, they would have to go through an existing small bedroom to get to it. They have three bedrooms now, including the one in the attic, but they do not wish to put a child up there. They would prefer having all the bedrooms on one level.

When was the addition put on, Mrs. Henderson asked, and did it have a variance?

Mr. Glenn said it was there when he purchased the property and he did not know whether there was a variance or not.

No opposition.

Mr. Smith moved that the application be deferred for further investigation to see whether there was a variance granted for the first addition, and also for new plats showing all dimensions and setbacks, and in the meantime the applicant should try to work out something which would cut down on the variance request. Seconded, Mr. Barnes. Carried unanimously.

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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, 7724 Telegraph Road, Lee District, (C-N) Map No. 100 ((1)) 33, S-77-69

Mr. Richard Hobson represented the applicant. He stated that the property contains 32,670 sq. ft. and is zoned C-N. It is a portion of a larger parcel also zoned C-N. Parcel B is the subject of the application. There is a building existing on Parcel A which is an unoccupied residence, and that parcel will be sold to Southland Corporation for a 7-Eleven store. This entire parcel was zoned to commercial in 1948 and has remained in a commercial classification since that time. This parcel is on the easternmost portion of the C-N tract immediately abutting the Hayfield School. The parcel fronts on Telegraph Road and across that is the Fort Belvoir property which is in woods. There is an overhead VEPCO easement running down the property, with large towers, next to the school property. If the permit is granted, the applicant intends to construct a three bay colonial service station with a 22 ft. travel lane along the property. Screening will be provided as requested by the Board.

How near is the entrance to the school, Mr. Smith asked?

About 130 ft., Mr. Hobson replied. Sight distance is good on this entrance. This is a level stretch of Telegraph Road. There are no highway department plans for widening, and no curb and gutter. This is a 60 ft. right of way. The school is not completely open at this time. Construction is still going on. Peak hours for the gasoline station business would be after the school is closed.

There has been a 29% increase in the volume of traffic over the past two years, Mr. Hobson said, and the volume is increasing steadily. There is another service station planned on the other side of the Hayfield School in the Wills and Van Meter Shopping Center, and grading is taking place now. He introduced Mr. Cramer from Gulf Oil who said the bay entrances are normally in the front but could be placed in the rear if the Board desires. He showed a rendering of a station in Maryland to which this station would be similar. This station would be of rose brick. They estimate the volume of this station to be 40,000 gallons a month, and would be open approximately 16 - 18 hours per day.

Mr. Hobson stated that sanitary sewer and water are available to the property, and the property will be used for commercial regardless of whether this application is granted.

Opposition:

Mr. Robert Trainor, property owner in the rear, felt that the gasoline station would have a detrimental effect on his loan application for building a $35,000 home, and he felt that other problems would result from the gas station in the way of fumes and getting out of his driveway in the mornings. He has three acres and four horses which would be affected by the service station.

Mr. Smith disagreed with the statement that gas fumes would be a problem - you cannot smell gas fumes 50 ft. away from the station, he said, and as to the traffic, he said any commercial use would generate more traffic than a service station.

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Mr. Trainor said he did not want a gas station staring him in the face. He would rather see a professional building on the property.

Mr. Jack Heller, President of the Hayfield Farms Civic Association, stated that his Association was opposed to construction of a gasoline station, and he presented a statement urging denial of the request. They recognize that the property is zoned commercial and would not mind seeing a medical arts building, beauty parlor, barber shop or something of this nature, but are very concerned about a gasoline station. There are numerous gasoline stations in the area and this one is not needed. The station would draw traffic and this is next door to a school with 3500 - 3900 children.

The Board cannot deny the right to build on commercial property, Mrs. Henderson explained, and any commercial use would draw traffic. The Board must have a valid reason before they can deny an application. This application meets all of the criteria in the Ordinance for granting a service station and the Board cannot deny it simply because people say it will affect them.

Would you object to the proposed service station at the Wills and Van Metre property, Mr. Yeatman asked?

Probably not, Mr. Heller replied, there is a gentlemen's agreement between them that the gasoline station and shopping center will be constructed so that it will be a pretty shopping center.

That is in a C-D zone, Mr. Smith pointed out, requiring a use permit from this Board and if the Board denied the present application, how could it approve the application for that station?

Mr. Bahr stated that he is the operator of the "Three Bears School" and his home is on the back road as is Mr. Trainor's home. The proposed screening would not screen the view of the station from his home and he would like to have additional screening if possible. When he came to this hearing today, he thought it was the other piece of C-N property that was involved, but now he finds that it actually is being sold to 7-Eleven and he is concerned about the driveway which is a joint driveway for both properties, his property and the 7-Eleven property, however, that is not under consideration at this time. As the operator of many vehicles, he would find a gasoline station convenient for his use, but as a resident, he would not want one near him.

Would a McDonald's Drive-in be more desirable, Mrs. Henderson asked?

No, Mr. Bahr replied.

But a McDonald's Drive-in could go in by right, Mrs. Henderson pointed out. A 7-Eleven store can go there by right. Perhaps the citizens would prefer a professional building but the Board cannot require them to build this.

Mr. Bahr stated that he has a special permit for his school but he is opposed to a special permit for the gas station as he has rental properties adjoining and his mother's home is also on one of these lots.

Mr. Glenn Ovrevik, resident of Lot 19, spoke in behalf of residents of the area and presented fourteen individual letters in opposition. He also read a letter on behalf of Colonel Farwell, President of the P.T.A. Executive Committee in opposition. Mr. Ovrevik's opposition was based on the supposition that the gas station would have an adverse impact on the adjoining school. This is a high intensity open air activity and it is basically a requirement in C-N that uses be contained within the building. There are many problems in this area already and he felt that the gas station would add to them. They are already troubled by high-school drop-outs, motorcycle gangs, speeders and drag-racers, and many accidents. The citizens object to increased traffic, noise and air pollution, and they feel that there is no need for another gasoline station, Mr. Ovrevik said. They would prefer some indoor operation on this property.

That would be desirable, Mrs. Henderson agreed, but Mr. Ovrevik should realize that this Board cannot enforce that, and also the Board cannot deny an application based on need. She said that she did not know how she would vote on this application but there are many statements in the letters of opposition that are intemperate -- how can anybody say that this gas station will draw to this area the most undesirable elements in the County? How can anybody say that this gas station will encourage teen-age drinking and smoking in the area?

Mr. Smith questioned the statement about the gas station polluting the air.

Mr. Ovrevik admitted that they were not as bad as they used to be but they do still occasionally have spills. A gas station rightfully belongs in C-G as it is a very intense use.

Mr. Smith said he felt that the statements regarding roaring of motorcycles and the statements made with regard to the teen-agers had ~~any~~ no bearing on this application. People do not congregate at service stations and interfere with the normal living of people in the area. These people are talking about what might happen - we cannot base a decision on this, he said.

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Mr. Yeatman and Mr. Baker both said they live in an area where there are many gas stations and they have not seen delinquents hanging around any of them. The problem of drag-racing is all over the County, not just around gas stations.

Mr. Simms, in support of the petitions and letters presented, assured the Board that the people who signed them were aware of the situation. They knew the property was already zoned commercial and they did not sign them opposing a "rezoning". The people living in the area are definitely opposed to this application. The P.T.A. opposed the application; the School Board opposed it, Supervisor Alexander is opposed; and the only ones in favor are Gulf Oil Corporation. The original zoning was a mistake made many years ago and this Board should not perpetrate that mistake.

Mr. Smith asked Mr. Simms how the Board could deny this application when it meets all of the procedural requirements of the Code? The Board in denying any application must have a good sound reason for doing it. The Board cannot deny it simply because the people don't want a gas station.

Mr. Simms said he would like to see the land revert back to residential, and he did not accept the fact that the 7-Eleven Store could go in by right on the adjacent parcel.

Mr. Smith said the land could not be rezoned back to Residential. The owner has been paying taxes on commercial property for over twenty years. It could only be done if the owner wished it to be rezoned. If the Board denies this application, how can it grant the gas station in the Wills and Van Metre shopping center which is C-D and also requires a special use permit?

Mrs. Henderson read two letters in opposition, one from Supervisor Alexander, and one from the Fairfax County Public Schools.

Mr. Hobson, in rebuttal, said that Mr. Trainor's house is more than 200 ft. away from the proposed use. Mr. Heller's statements made him completely out of bounds, Mr. Hobson said, when he stated that he would support a special use permit application for another gas station that would be closer to the Hayfield Farm Citizens Association than this one would be. Both this site and the one of Wills and Van Metre require use permits for gas stations and the Board cannot say "I would rather see the gas station built down the road" and deny this one, if it meets the criteria for the use. As for being a heavy use, there are many other uses which could go here by right which would have three to four times the traffic impact that a service station would have. Gulf Oil, under a use permit, cannot afford to be obnoxious. Gulf cannot do business with vandals congregating in its place of business. If this did happen, the people in the area would have immediate recourse to this Board and it would be corrected or have the permit revoked. They would put up as much screening as is required by the County to help Mr. Bahr's problem of overlooking the property as much as they can. Mr. Ovrevik lives a good ways down the road and has told the Board that people in the area do not want the gas station, but this is not part of the criteria which the Board must follow. The Board of Supervisors zoned this land 21 years ago and it is shown in the Master Plan for commercial use so it would be against the Board's policy aside from legal problems and would be against County policy to have other than commercial use of this property. As to the traffic, traffic is increasing anyway and other uses on this property could increase it more. There will be no problem of noise or air pollution from this gas station. Gulf Oil is not the cause of drop-outs, etc. and not a basis on which the Board can deny the application. Mr. Simms is fighting the wrong battle on the wrong battleground. He is trying to deny a special permit when he is really arguing against strip zoning. If this is his argument, he should have opposed it at the Board of Supervisors hearing on the Rose Hill Plan.

Mr. Smith moved that the Board defer decision until May 27 in order that Mr. Alexander could state his reasons for asking for denial. He has requested this Board to deny the application based on the fact that he was not aware that this was C-N zoning and Mr. Smith said he would like to give him an opportunity to clarify his position. He should be aware that the Board of Zoning Appeals cannot arbitrarily deny an application. Mr. Woolridge should also clarify his position. They should be aware that other uses could be allowed here by right without coming to this Board which would generate far more traffic than the gas station would. Seconded, Mr. Barnes.

Mrs. Henderson pointed out that Mr. Wooldridge did not request denial, he asked the Board to consider fumes, noise and traffic in their consideration. She added that her record for thirteen years would show that she did not like gas stations any more than most people do and she has sympathy with the people in opposition. The Board has spent two hours trying to find reasons to deny the application and she frankly could not find one. She, too, would like to see an office building on the property but no one can force the owner to use it this way if he does not choose to.

Motion to defer carried unanimously.

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WESTGATE CORP., app. under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located 1700 block of proposed Anderson Road, Dranesville District, Map No. 30-3 ((1)) pt. par. 7, (C-D), S-51-69 (deferred from March 25)

Mr. Nicholson presented new plats and a rendering of what the proposed service station would be like. There is a 10 ft. embankment between the service station and the shopping center, he said. The service station would be above the shopping center. The Planning Engineer is agreeable to allowing "pedestrian" access between the two rather than "vehicular" access, and they will be happy to comply with whatever he requires. The service station design will blend in with the shopping center. It will be a four bay station with main access from Anderson Road. Mr. Rose in the Planning Engineer's office feels that pedestrian traffic from the service station to the shopping center will be so slight sidewalks should serve this purpose. Screening will be provided as required by the County.

In the application of Westgate Corporation, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located 1700 block of proposed Anderson Road, Dranesville District, Mr. Smith moved that the application be approved in conformity with renderings submitted, this being a service station part of a planned shopping center, and the architectural design of this four bay station will blend with the design of the shopping center; that the applicant provide sidewalks and all other requirements as set forth in the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA STATIONS, INC., application under Section 30-6.6 of the Ordinance, to permit construction of auto laundry 20 ft. from rear property line, 1401 Chain Bridge Road, Dranesville District, (C-G), Map No. 30-2 ((1)) 50C, V-53-69 (deferred from March 25)

Mr. Ferguson showed a rendering of what the proposed construction would look like and showed photographs of an existing station in Manassas. The car wash will be located in the rear of the existing station. The only service in connection with the car wash operation would be the vacuum system, and there would be an attendant present. They wish to put the fountains there simply because they feel it adds to the beauty of a gas station.

Mr. Smith was concerned about the smallness of the property. In the past it has been very strict procedure to require 50 ft. from the property line for a car wash. The gas station already must have a variance because it is closer to the property line than allowed.

There was discussion as to whether the car wash and gasoline station would be one or two buildings. Which setback would apply?

Could the building be moved over further, Mr. Yeatman asked?

Yes, they could move the whole building forward 5 ft., Mr. Ferguson said, but they applied for the variance for relief. If there is a variance on the station now, they do not know of it and have not been able to find a record of it.

This is non-conforming as far as the present ordinance is concerned, Mr. Smith said. This Board, less than a year ago, denied an application for a gas pump and car wash and he did not see how the Board could grant this one. If this cannot meet the setbacks required by the Ordinance, it should be denied. He moved that decision be deferred rather than deny the application today, to allow the applicant to restudy this to see if he can come up with something that will not require a variance. Mr. Yeatman seconded the motion.

Both car wash and gas stations are permitted by right in C-G, Mrs. Henderson stated, if they can meet the setbacks.

Mr. Ferguson felt that this would preclude any construction of a car wash but deferring it would give them a chance to study the situation. Deferred to May 27. Motion carried unanimously.

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G. T. WARD, application under Sec. 30-6.6 of the Ordinance, to permit construction of horse stable closer to side and rear property lines, 9600 Burke View Avenue, Springfield District, (RE-1), Map No. 78-3, S-560-67 (granted April 11, 1967 for 2 years) - For Board Review

Mr. Ward was not present. Mr. Smith moved to extend the permit for two years from date of expiration, this is to April 11, 1971 since the Zoning Administrator reports that no complaints have been received. Seconded, Mr. Barnes. Carried unanimously.

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MARGARETE CHAMBERS, app. under Section 30-6.6 of the Ordinance, to allow house to remain 22.6 ft. from W. Grenstead Street, and application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of one chair beauty shop in home as home occupation, Lot 9, Blk. A, Sec. 1, Woodley West, 3201 Rollin Rd., Providence District, (R-10), Map No. 60-1 ((22)) (A) 9, S-59-69 and V-59-69

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MARGARETE CHAMBERS - CTD.

This was deferred to clear up the non-conforming setback which occurred because the road was constructed after the house was built, Mrs. Henderson recalled.

In the application of Margarete Chambers, application under Section 30-6.6 of the Ordinance, to allow house to remain 22.6 ft. from W. Grenstead Street, Lot 9, Block A, Section 1, Woodley West, 3201 Rollin Road, Providence District, Mr. Barnes moved that the application be granted as this was through no fault of the applicant. The house became non-conforming because the street was cut through after the house was built. Seconded, Mr. Yeatman. Carried 4-0. Mr. Smith abstained.

In the application of Margarete Chambers, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of one chair beauty shop in home as home occupation, Lot 9, Block A, Section 1, Woodley West, 3201 Rollin Road, Providence District, Mr. Smith moved that the application be approved as applied for, to the applicant only, for a one chair beauty operation. The applicant will be the only operator, and hours of operation will be Wednesday, Thursday, Friday and Saturday, from 8:30 a.m. to 6:00 p.m. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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ANNANDALE VOLUNTEER FIRE DEPARTMENT, INC., application under Sec. 30-7.2.6.1.2 of the Ordinance, to permit erection of fire house, north side of Little River Turnpike, opposite Guinea Road, Providence District, (RE-1), Map No. 58-4 ((1)) 62, S-61-69 (deferred from April 8, 1969)

Mr. Hansbarger presented a letter from the Argyle Investment Corporation indicating that the easement had been granted, and a letter from the Fire Department to the attorney for Argyle thanking them for their offer to grant the easement, and stating that they would build the road according to site plan.

There was no recommendation from the Planning Commission. Memo from Mr. Pask, Administrative Assistant to the Planning Commission, stated that public hearing had been scheduled for May 19, 1969.

Mr. Hansbarger stated that he had talked with Mr. Pask and he was under the impression that the Commission did not care whether this Board moved first or whether they move first.

Under the County Attorney's ruling, Mr. Knowlton explained that the Planning Commission was required to hear this under Section 15-1.456.

Assuming that the County Attorney's interpretation is correct, Mr. Hansbarger said, somewhere they must commence. If the Planning Commission granted it and the Board said no, they would be right in the predicament the Board is suggesting might happen if the Board grants it and the Commission denies it. There is no objection from the Planning Commission if the Board makes a decision, this is still subject to the Planning Commission's purview that could negate that. It is on the Plan for the area, it is on the Public Facilities map in this location, and if the past procedure had not been to advertise this for public hearing, they could have done this in executive session. To delay further would serve no useful purpose.

This could be granted subject to Planning Commission recommendation, Mrs. Henderson suggested.

Mr. Smith said he was in complete agreement with this being granted but he thought the Board should have prior approval from the Planning Commission.

The Code gives the Planning Commission 60 days in which to make a decision, Mr. Hansbarger said, and they have taken longer than that.

Mr. Smith moved that the Board defer final decision until May 27 for Planning Commission recommendation. Seconded, Mr. Yeatman. Motion lost 3-2.

Mr. Yeatman moved that the application of Annandale Volunteer Fire Department, application under Section 30-7.2.6.1.2 of the Ordinance, to permit erection of fire house, north side of Little River Turnpike, opposite Guinea Road, Providence District, be granted in accordance with the site plan that the Board saw on April 8. There will not be a siren on this station. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mr. Yeatman accepted the following amendment; It is understood that this is granted according to all provisions of the Code and Ordinance and it is understood that the Fire Department will construct the road on the easement provided by Argyle Investment Corporation. Seconded, Mr. Barnes. Carried 4-0, Mr. Smith abstaining, because he said the Planning Commission should have had an opportunity to make a recommendation.

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April 22, 1969

JOHN E. ROACH, JR. AND ELEANOR E. ROACH, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten and day care for 100 children and under Sec. 30-6.6 of the Ordinance, to allow dwelling to remain 4.6 ft. from side property line, Lots 24A and 25A, Leewood Subdv., 7152 Woodland Drive, Springfield District, (RE 0.5), Map No. 71-3 ((7)) 24A & 25A, S-56-69 and V-56-69 REHEARING

Mr. Swayze represented the citizens of Leewood in opposition to the application. One of the points touched upon in his motion for rehearing, he said, was whether or not the citizens of Leewood were unanimous in their opposition to the application. Since the motion was granted, they have undertaken to interview people living there and they have a petition signed by 84 persons representing 48 properties in the area surrounding the site. This petition contains the names of Margaret V. Finkham, William L. Bockman, the Granburys and the Witheralls, and Mr. and Mrs. Mullady, and these are all people on adjoining properties, Mr. Swayze said. The second point he wished to bring up indicates that the neighborhood is already well served with day care centers, he said, and he pointed out the schools in the area. Need is an important factor in considering gasoline stations and should also be considered in school applications, Mr. Swayze suggested.

Mr. Smith told Mr. Swayze that his statement was in error -- the Board has not used need as a criteria for granting service station permits.

A service station is in a completely different category from a neighborhood community use under which this permit is classified, Mrs. Henderson said.

There are already five schools in the area, Mr. Swayze responded, and there is plenty of competition there now. The next point he would like to cover is topography, he said, and described the contours of Woodland Drive. The driveway to the school property is located at the bottom of a hill in either direction, and he submitted profiles of the topography to the Board, and discussed the problems connected with sight distance.

Mr. Swayze discussed briefly the traffic increase on both Backlick and Braddock Roads, however, Mr. Smith said he did not feel this was relevant to the rehearing since the Board is already aware of the heavy traffic on Braddock Road, and the Board cannot deny applications based on the traffic situation.

Mr. Swayze proceeded to his next point -- this property is incongruous with the present land use being recognized in Leewood. They are not talking about future land use, he said, this is a solid residential area of high quality; the people do not want the school, and the neighborhood itself, from the pictures which he presented, rejects this school.

Mr. Smith asked Mr. Swayze if anyone in Leewood would be utilizing this school.

Mr. Swayze replied that there may be three or four children in the neighborhood in this age bracket, but most of the children are teenagers. If there is any child in this area enrolled in the school, it certainly has not been called to his attention.

How many residences would be passed if a person turned off Braddock Road to get to the school, Mr. Smith asked? Actually, the only lot that would be passed faces on Braddock Road so no residences would be passed going to the school. It seemed to him, Mr. Smith recalled, that in the original granting there was some discussion of people using the school being instructed to come off Backlick Road.

People might be instructed, Mr. Swayze said, but if they are late and want to get to work in a hurry, they will go the way they choose to go.

The Roaches have an excellent operation at their present school, Mr. Smith stated, and this is on one of the most heavily traveled highways in the County. If traffic to this school comes off Braddock Road, the only possible people who could be affected would be the Mulladys and the Bockmans and the other people objecting could not possibly be affected.

Mrs. Henderson thought it might be hazardous to parents and children making a left turn to the school, and even if they all come off Braddock Road they have to make a left turn into the school with cars coming over the hill to get out to Braddock Road.

Mr. Smith said he had spent twenty minutes on the property and not even one car came by.

Mr. Yeatman stated that he was there at 9:30 this morning and he saw no traffic either.

Braddock Road and Backlick Road intersection has been recently redesigned, Mr. Smith said, and certainly should be able to accommodate 120 more cars without any hazard.

But you don't select a school site to make people go through heavily traveled areas, Mr. Swayze contended.

If this is true, the original school on Ravensworth Road should not have been granted, Mr. Smith said.

Mrs. Henderson stated that if Mr. Swayze had not asked the Board to rehear this application she would have because this decision was not consistent with past actions of the Board denying school applications in areas they would not serve. This school is not going to serve the immediate neighborhood and it does not meet the standards for special permit uses in residential districts. She noted that 40 letters in favor of the school had been received from parents of Mrs. Roach's students and it is obvious that they are running a very fine school -- this is not the point. The question is -- where is the best place for this school?

Mr. Griffith submitted that any of the evidence presented by Mr. Swayze today could have been presented at the original hearing, therefore there was no new evidence involved. None of the other schools mentioned by Mr. Swayze perform the service that Mrs. Roach's school will, as none of them provide day care.

Mr. Griffith submitted a topographical profile made by Mr. Peter Moran showing that the actual sight distance from the driveway was well within what is required by the County and State. Mr. Moran was present to verify Mr. Griffith's statements on the sight distance.

Mr. Griffith also submitted a traffic count which he had made at 15 minute intervals, both on the Ravensworth Drive property, and on Woodland Drive, showing a much heavier traffic density on the Ravensworth Drive count, and stated that the school there has had no problems in the past.

Mr. Yeatman's opinion was that nothing new had been submitted to change his decision of the last hearing on this application.

Mr. Barnes who seconded the motion to grant the school at the first hearing said that he had viewed the property and he felt that there is a traffic problem and had he viewed the property before the first hearing, he would not have voted in favor of the application.

Since he made the original motion, Mr. Smith said, he would reaffirm the Board's decision to grant the application in part -- for maximum of 68 children in the existing dwelling, and the garage is not to be used for school purposes at the present time. Hours of operation 8 a.m. to 4:30 p.m. five days a week, for nursery school and kindergarten. Site plan for the use will be required and they must meet all site plan requirements set forth in the Ordinance for the use itself. On the second part of the application to allow dwelling to remain 4.6 ft. from side property line, this should be approved for the use of the building as stated. Twelve parking spaces must be provided for this use meeting all setback requirements of the Ordinance.

Mrs. Henderson voted against the motion as she felt that a school in this area would be detrimental to adjoining property in this half-acre zoned area and this type of an operation is contrary to the intent of the Ordinance. Motion was reaffirmed by a vote of 3-2 (Mr. Barnes. and Mrs. Henderson voting against the motion.)

This is a large parcel of ground, Mr. Smith stated, not in keeping with a half-acre subdivision. If this were a one-half acre lot he would have no thought of permitting a school here, he said. It was agreed by the applicant that they would direct the traffic from this facility to use Braddock Road and not come through the Woodland Drive area of the subdivision and he would hope that this would be carried out if this use is made of this particular property. This would be the only possible objection he could see.

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Mrs. Henderson recalled the case of OLD FRONTIER TOWN, INC.

Mr. Goodsell stated that he had received a copy of the staff recommendation regarding required paving of the parking lot and his clients are quite concerned about this requirement.

This operation has been going on for many years, Mrs. Henderson said, and it seems time there was a little upgrading.

It would be an economic hardship for them to put this in, Mr. Goodsell said, as they don't own all of the area to be paved; they are leasing it. They did put gravel on the parking lot and this has been satisfactory in the past. If they are required to pave, could they sell other items throughout the park.

Selling must be in the commercial zone, Mrs. Henderson said.

Mr. Knowlton pointed out the change in the Ordinance which took place about three years ago requiring paving with a dustless surface.

Mrs. Henderson said she would be willing to grant a three year permit to operate exactly as they are operating now with proviso that all the parking area be paved.

Mr. Smith agreed, with the condition that the Board review this each year without having a formal application, to see if there have been any complaints.

OLD FRONTIER TOWN, INC. - Ctd.

No opposition.

Mr. Smith moved that the application of Old Frontier Town, Inc., application under Section 30-7.2.7 of the Ordinance, to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Centreville District, be granted for three years subject to review by the Board each year without filing an application; that all parking areas outlined in the original granting for 300 cars be paved in accordance with County standards. Sale of items shall be restricted to the area zoned for commercial purposes. There is a tremendous amount of C-N and C-G property there.

(Mr. Goodsell pointed out that all of it does not belong to them, there is a drive-in theatre located there.)

Mrs. Henderson suggested moving some of the buildings over into the commercial zone and then they would be allowed to sell.

Mr. Barnes seconded the motion to grant. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Robert Kohlhaas regarding the International Town & Country Club regarding the expiration of their permit and the fact that the location of the pool was moved due to septic field location.

Mr. Smith moved that the old plats be removed from the folder and the new plats submitted be placed in the record, and that the applicant be allowed to proceed in due fashion as long as they are pursuing this. The location of the pool was moved at the request of the Health Department in locating the septic field. Seconded, Mr. Yeatman. Carried unanimously.

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MOUNT VERNON YACHT CLUB - Mrs. Henderson read a letter from the Lewis Pool Company stating that the building permit application had been amended to show the figure of $28,000.

The Board by consensus accepted the information. Permit can now be issued.

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Mr. Charles Runyon appeared before the Board stating that a variance was issued to TACO RANCHO on Route 1 in April 1968. They ran into problems in working out the site plan and their permit expired. With all of the problems that came about at one time, they overlooked the twelve month restriction and the variance expired on April 9. The site plan has now been approved except Mr. Knowlton has advised Planning not to give final approval because of the time limitation. They are ready to proceed now.

Mr. Knowlton recalled the application of Red Barn on U. S. #1 where the same thing was done. This variance was originally granted to TACO RANCHO and now it is for a car wash. In the future they would like to get a pump island in connection with the car wash, however, the applicant has agreed to remove the pump island from the site plan so he can proceed with the construction of the car wash and will file an application to the Board for the pump island.

If all the site plan work has been approved and building permit approved, the Board should give authority to allow the applicant to proceed, Mr. Smith said, but he would have to file formal application to renew his permit. He moved that the Zoning Administrator and Building Inspector be instructed to release the permits to construct on the original portion of the variance granted April 9, 1968 with the understanding that the applicant's agent will pursue the application now pending before the Board and the other variance that he is seeking and in the meantime he should be allowed to proceed with construction. The variance application will be heard May 27. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 6:30 P.M.
By Betty Haines

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

May 22, 1969 Date

A special meeting was held by the Board of Zoning Appeals at 10:00 a.m. on Tuesday, April 29, 1969 in the Board Room of the Fairfax County Courthouse. All members (Mrs. Henderson, Messrs. Smith, Yeatman, Baker and Barnes) were present, Mr. Yeatman and Mr. Barnes arriving late. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

SHELL OIL COMPANY, application under Section 30-7.2.10.2.1 of the Ordinance, to permit modernization of existing station, and application under Section 30-6.6 of the Ordinance, to permit 5 ft. variance on pump island and 5 ft. variance on building in connection with modernization of existing station, NE corner of Annandale Road and Route 50, Providence District, (C-N), Map No. 50-4 ((1)) 25, V-87-69 and S-87-69

Mr. William Hansbarger represented the applicant. The applicants wish to beautify the station, he stated, and the additions made in connection with it would not bring the building any closer to the rear line than it already is. The existing service station is only 20 ft. from the rear setback now so perhaps there was a variance granted in the past. The applicants propose to add another bay and in connection with the service drive they will be required to put in curb and gutter that does not now exist. This will be a definite improvement in the front of the station.. He introduced Mr. Remsburg of the Shell Oil Company who showed pictures of before and after photos of similar stations.

The Board discussed service road along Annandale Road, but Mr. Knowlton advised that the County would not require a service drive here because it is a secondary road.

Mrs. Henderson stated that she had seen piles of tires on the service station property and hoped this could be alleviated.

The tires are a separate operation, Mr. Remsburg stated. Shell leases to Merchants Tire Company and he did not know whether this operation would be continued or not. The Merchants sign will come down.

No opposition.

Mrs. Henderson suggested that since the addition would not be any closer to the property line, it would be a good idea to extend it out and have a place for storing tires, etc. rather than stacking them up out front. Mr. Remsburg agreed.

Mr. Smith disagreed with the statement that the tire operation was a separate operation - this is a very important part of a service station operation, he said. Also, he wanted to be assured that the modernization of this station would be in accordance with the ranch style station. This station will have three bays in the front and one in the rear.

In the application of Shell Oil Co., application under Section 30-7.2.10.2.1 of the Ordinance, to permit modernization of existing station, and application under Section 30-6.6 of the Ordinance, to permit 5 ft. variance on pump island and 5 ft. variance on building in connection with modernization of existing station, northeast corner of Annandale Road and Route 50, Providence District, Mr. Smith moved that the application be approved in conformity with plat submitted. It is understood that site plan would be required for this rebuilding and the staff states that the variances sought would not affect the sight distance. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Baker. Carried 3-0, (Mr. Yeatman and Mr. Barnes not yet present.)

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RAVENSWORTH RESEARCH ASSOCIATES, app. under Sec. 30-6.6 of the Ordinance, to permit erection of building 25 ft. from Port Royal Rd., 5401 Port Royal Rd., Annandale District, (I-L), 79-2 ((4)) F1 & E2, V-88-69

Withdrawn without prejudice, at the request of the applicant's attorney.

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THE FAIRFAX CHRISTIAN SCHOOL, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, 200 students, 11121 Popes Head Road, Centreville District, (RE-1), Map No. 68-3 ((1)) 64, S-92-69

Mr. Robert Thoburn stated that he owns three pieces of property. On the original 12.6 acres they built a four classroom building for which they got the permit in 1964. On the additional 8 ac. next to this parcel they built a larger building and they have another 13 ac. tract east of that. This request is to build an additional building on the 12.6 ac. which will accommodate 200 students.

THE FAIRFAX CHRISTIAN SCHOOL - Ctd.

The original permit was for 400 students and a much larger building which they did not build, Mr. Thoburn stated. The capacity of the small building which they constructed is 130. In 1964 when they got the original use permit they mentioned leaving a buffer on the property and the Board passed a motion requiring them to leave a 30 ft. buffer zone in its natural growth. On the western border of Townsend the natural growth is briars and honeysuckle and he and Mr. Townsend have discussed this problem and would like to plant evergreens there.

The motion stated 30 ft. of woods left in its natural growth, Mr. Smith said, and this would not stop one from removing briars and cleaning it up. It was not the intent to allow poison ivy and brush to remain there, only the woods. Natural growth can be supplemented by plantings and this would be more desirable as long as they don't remove the trees. How many parking spaces are provided for employees, he asked?

They have fifteen or sixteen, but there is plenty of room for additional parking, Mr. Thoburn replied. They bus all of the children so there is no problem with parking. These are the only buildings they will be allowed to have until sewer is available. When this building is completed there will be 330 student capacity in the two buildings.

Mr. Townsend, adjacent property owner, stated that he would like to see the buffer area improved and the undesirable growth removed.

No opposition.

In the application of The Fairfax Christian School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, 200 students, 11121 Popes Head Road, Centreville District, Mr. Smith moved that this be considered an amendment to the original application granted to Mr. Thoburn April 14, 1964. The addition on this parcel of land is going to accommodate, including the existing building, a total of 330 students at any one time. This is a change in the original plan for 400 students in the school complex. Mr. Thoburn states that the existing building now houses 135 and this application is for 200 students, making a total of 335 rather than the 400 as originally discussed. This building is to be constructed in conformity with site plan submitted with the application. To clear up the stipulation on the buffer strip of 30 ft. of woods, it is understood that the statement "natural growth" should mean those trees of any size, being trees of 8' - 10' high, be left in their natural state. This is not to discourage the clearing of the underbrush or brambles and supplementing this with additional evergreens or trees that would make a more desirable situation than the growth of brambles. All other provisions of the Ordinance be met. Seconded, Mr. Baker. Carried 3-0, Mr. Barnes and Mr. Yeatman not yet present.

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NATIONAL MEMORIAL PARK, INC., app. under Sec. 30-7.2.3.1.1 of the Ordinance, to permit cemetery use, W. side of Hollywood Rd., 0.3 mi. north of Lee Hwy., Providence District, (R-12.5), Map No. 50-1 ((1)) 16, S-79-69

Mr. Radigan stated that this is presently a non-conforming use and has been used as a maintenance yard by the National Memorial Park for about thirty years. They now wish to modernize and beautify the existing facility. The old buildings will be razed and they will put up a new building so they can get everything under cover and provide adequate parking and screening. The apartments on adjacent land are finished now. The area has been located in the back where it could not be seen up until now that development has taken place and they desire to beautify it and use it for the same purposes. This will not be for burial purposes, it will be strictly a maintenance area. This will provide storage space for crypts, materials, equipment, garages and work areas for the vehicles used, and office space for the maintenance crew. State law requires that a concrete box must go around each coffin and the sides are poured in the ground, the tops are poured and placed on the top.

This is a manufacturing process, Mr. Smith said, and he did not consider this a cemetery use.

These are not for sale, they are used on their own property, Mr. Radigan stated.

Mr. Smith felt that the Board did not have authority to grant this application, it is actually an industrial operation.

Mr. Hawkins, of the National Memorial Park management, stated that the crypts are sold as a unit of the property. They have been doing this since the 1950's, he thought.

Mr. Smith said he would have no quarrel with the storage of vaults on the property but this is concrete manufacturing and it was not the intent of the Ordinance to allow manufacturing in a residential zone.

Mr. Radigan told the Board that at the present time trucks go into the park and pour the crypts before the caskets are put in and he thought having cement trucks in the park itself was more noxious than doing this in an area under roof. If they were manufacturing these for sale it would be different, but these are used on their own property.

NATIONAL MEMORIAL PARK, INC. - Ctd.

Why not buy them already manufactured, Mr. Baker asked?

Yes, Mr. Radigan answered, but then they run into the storage problem. They can pour them very quickly.

Mrs. Henderson said she did not see what the disadvantage would be to manufacturing in the proper zone and then storing it in the new building.

They consider this as an incidental use to the cemetery, Mr. Radigan said, and he would be happy to provide to the Board the authority for requiring concrete liners. He asked that the matter be deferred until he could get all the facts for the Board.

No opposition.

Mr. Smith moved to defer to June 10 for a clarification from the County Attorney regarding manufacturing vaults for underground use, and would the County Attorney consider this an accessory use though it is not on the same property? Seconded, Mr. Baker. Carried 3-0 (Mr. Barnes and Mr. Yeatman not yet present.)

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ROLLINS OUTDOOR ADVERTISING, application under Section 30-6.6 of the Ordinance, to permit erection of outdoor advertising sign (variance from Sec. 30-3.13.6 (a) of the Z oning Ordinance), N. side of Lee Hwy. and W. of Hartland Rd., Providence District, (I-L), Map No. 49-2 ((1)) 31, V-80-69

Mrs. Henderson wondered why this was being heard -- her understanding, she said, since 1959 was that this Board no longer had authority to change any signs and the Ordinance is quite specific about this.

In Section 30-6.6.2 of the Code which is part of the section relating to variances, Mr. Knowlton said, it states, and he thought this is what Mrs. Henderson had reference to, that no variances shall be authorized etc., and the section from which this request is made is not listed in those that the Board cannot consider.

However, Mrs. Henderson stated, Section 30-3.13.1 states declaration of policy on signs, and it says in accordance with the foregoing declaration of policy, etc., all signs not specifically permitted by the provisions of this Chapter shall be deemed to be prohibited.

Mr. Knowlton stated that he had first agreed with Mrs. Henderson but was told that the County Attorney had ruled that this could be heard by the Board. He had checked with the County Attorney and had been told that this was correct, but he did not have anything in writing, he said.

Mr. Robert Metz, representing the applicant, stated that the property consists of six acres and they are requesting a variance from the 200 ft. requirement from adjoining residential property. Considering the setback of 660 ft. from Route 495 and the 200 ft. setback from residential property, there is only a small pie-shaped portion of the tract to the very rear of the property where it would be permissible to erect an outdoor advertising sign. Because of the curve in Lee Highway and the existing building next to the Beltway on the I-P ground, the sign would be of no value if placed in this location.

Why is it necessary to put this sign there at all, Mrs. Henderson asked?

Rollins Outdoor Advertising performs a service for its clients, Mr. Metz stated. They have a lease from the owner to erect a sign and this is why they are requesting the variance. The lease is subject to obtaining a building permit.

Mrs. Henderson suggested deferring action to see a written statement from the County Attorney giving authority to the Board to consider this application. The Ordinance says "shall be strictly construed", she said.

Mr. Smith felt that better plats would have to be presented in order for the Board to make a decision, showing sign location, size, height, etc. There is no hardship, he said, except they want to place a sign on the property and cannot meet the setbacks.

The owner is not being deprived of a reasonable use of his land, Mrs. Henderson said, if the application is denied the land can be used for something else.

(Mr. Yeatman arrived.)

Mrs. Henderson read three letters in opposition -- from Blocher Reprographics, American Millworks, and Robert J. J. Seoane.

Mr. Metz presented a letter from Mr. Chilton of the Land Planning Office, regarding site plan waiver, however, Mrs. Henderson stated that the letter from Mr. Chilton pertained only to the actual facts and not to what they are asking.

ROLLINS OUTDOOR ADVERTISING - Ctd.

Mr. Baker moved to defer to June 10 for new plats showing the location and size of the proposed sign and distances from property lines, and an interpretation in writing from the County Attorney authorizing this Board to hear the application and grant a variance. Seconded, Mr. Yeatman. Carried 4-0. (Mr. Barnes not yet present.)

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JOSEPH J. AND MARJORIE W. GREEN, application under Sec. 30-6.6 of the Ordinance, to permit erection of garage 39 ft. from Neilson Ct., 8400 Sparger St., Dranesville District, (RE-1) Map No. 20-3 ((8)) 42, V-81-69

Mrs. Green stated that the house is two years old. They have had numerous problems of surface water in the driveway and on the level of the basement floor. The house is located at the bottom of a gradual incline which goes up for about a two block area. They have had part of the yard torn up to construct swales to divert the water and have also installed surface drainage. They have refaced the driveway with stones three times and it keeps sinking into a sea of mud.

Mr. Green added that they also had trouble with an underground spring which developed after the house was built. They put in drainage pipes under the driveway but the County Agent advised that they would always have the surface water problem, so now they plan to brick in the entrance to the basement, regrade the slope and fill in the driveway, bringing it back to its natural level and relocate the garage on the other side of the house.

This is about the fourth such problem the Board has run into recently, Mrs. Henderson said. Isn't there something in the Building Code to prevent this type of thing?

For almost two years they have been trying to get approval of a new ordinance that would permit the home owner to appeal to the Board in cases where they felt that building materials used, etc. was improper, Mr. Smith said. The Board of Supervisors set up a committee to work on this almost two years ago, he said.

The Board of Supervisors recently discussed it again, Mr. Knowlton said, with more emphasis on the occupancy permit, because of three houses in one subdivision which we approved according to the topo on the plat and were built so much lower than the topography they could not be sewered.

No opposition.

In the application of Joseph J. and Marjorie W. Green, application under Section 30-6.6 of the Ordinance, to permit erection of garage 39 ft. from Neilson Ct., 8400 Sparger Street, Dranesville District, Mr. Smith moved that the application be approved as applied for. The traffic is very limited and this will not increase traffic because the Greens' driveway now enters into the same court. No sight distance problem. The proposed addition will still be 39 ft. from Neilson Court which would give good sight distance. All other provisions of the Ordinance pertaining to this application shall be met. This is a very unusual situation. The applicant has purchased a new home and for the reasons of drainage has practically an unusable garage. He proposed now to eliminate the garage in its entirety by bricking up the doorway and filling in the driveway, replacing this with a new structure since this seems to be one of the best solutions to the water problem. At the time the house was constructed had it been brought out of the ground another two feet this problem would not have existed. Seconded, Mr. Yeatman. Carried 4-0, Mr. Barnes not yet present.

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HENRY & LILIAN Y. SPIEGELBLATT, app. under Sec. 30-6.6 of the Ordinance, to permit erection of screen porch addition 28.33 ft. from Masonville Drive, 7301 Statecrest Drive, Annandale District, (R-10), Map No. 60-1 ((2)) 133, V-82-69

Mrs. Spiegelblatt stated that the house is 5 1/2 years old. She would like to add a screened porch to the house. The builder drew up the plans putting it on the side of the house but after seeing the plans, she realized that there were several disadvantages to this location. Her house is higher than her neighbors' house and the porch would overlook their dining room and back yard, and would also be in front of her kitchen window cutting off light. Putting the porch in the rear would necessitate removal of shrubbery which is presently holding the soil. Putting the porch in the proposed location, off her dining room, would give more privacy and would add to the value and beauty of the house. If the porch were put on the other end of the house, it would almost preclude the use of her den which now has four doorways in it, and would take up most of her son's play space in the yard. There is also a slope on that side.

No opposition.

Mr. Smith moved to defer to June 10 in order that the Board may view the property. Seconded, Mr. Baker. Carried 4-0, Mr. Barnes not yet present.

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April 29, 1969

STANFORD E. PARRIS, app. under Sec. 30-6.6 of the Ordinance, to permit waiver of side lot setback, 3520 Highview Pl., Mason District, (RE 0.5), Map No. 60-2 ((22)) 8A, V-85-69

Mr. Parris requested permission to enclose the existing swimming pool with a permanent structure. He and his family have lived in this house for ten years. The pool was there when he bought the house. They propose to enclose the pool and put a bath house in the rear. The topography is such that construction will be essentially below the street level. The lot drops off very steeply in the rear.

How did the pool get this close to the property line, Mrs. Henderson asked?

Mr. Parris said he did not know; it was there when he bought the property.

The Board has been turning down applications to construct pools closer to property lines all over Lake Barcroft lately, Mrs. Henderson said, much less allowing them to be enclosed.

Mr. Smith said he had been turning them down because of the Ordinance and not because of his conscience. He felt that a pool was a form of recreation for the family which will keep the family together.

Mrs. Henderson noted that she could see no justification for a variance which would take the house walls right up to the property line. This would be house walls since Mr. Parris is going to put on an addition and the pool becomes enclosed.

If this were a request to construct a pool in this location, Mr. Parris said, it would be different but this pool has been in this location for 10 years and no one is opposed to his application to enclose it.

The application is to increase the size of the house and bring it over all but to the property line, Mrs. Henderson said, so it is not just to enclose the pool.

The garage and the house make up two sides of the proposed construction already, Mr. Parris stated, and all they propose to do is to build two walls and a roof tying into the existing structure. This is a very odd shaped lot and they only use the front 50 per cent of the land. The balance goes down to the creek area which is very heavily wooded with large oak trees. The additional room would be used as a bedroom for his son whenever he comes home from school.

Denying the application would not deprive the applicant of a reasonable use of his land, Mrs. Henderson pointed out. He has had reasonable use for 10 years and he wishes to increase the reasonable use and this is not a reason for granting a variance of this nature. If this were a 1 ft. variance it might be different but this takes it right up to the property line. Not everybody in the County has room for even a swimming pool.

Mrs. Henderson noted letters in favor of the application.

(Mr. Barnes arrived.)

Mr. Yeatman moved that the Board defer decision to June 10 to view the property and to give the applicant time to reconsider his application on the proposed bedroom. Seconded, Mr. Smith.

Mrs. Henderson said she had no objection to the deferral but if she were present on June 10 she would vote against the application. Carried 5-0.

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SUN OIL CO., app. under Sec. 30-6.6 of the Ordinance, to allow previously approved building position to be shifted and approval of a future pump island on Old Courthouse Road, NE corner of Chain Bridge Rd. and Old Courthouse Rd., Providence District, (C-D), Map No. 39-1 ((16)) 15, 16, 17, V-83-69

Mr. John Schiller stated that the Board granted a use permit for this station and they would like to shift the location slightly and reserve the right to build an additional pump island in the future as shown on the plats. The entire tract is now in the name of Sun Oil Company. The future pump island is the main reason for moving the location of the station. This will still be a three bay brick Colonial station with cupelo.

No opposition.

Mrs. Henderson said she had no objection to granting the permit for the extra pump island but if it is not built within a year they would have to come back to the Board.

In the application of Sum Oil Company, application under Section 30-6.6 of the Ordinance, to allow the previously approved building location to be shifted and approval for future installation of one additional pump island on Old Courthouse Road, Northeast corner of Chain Bridge Road and Old Courthouse Road, Providence District, Mr. Smith moved that the application be approved as applied for with the understanding that if the pump island is not constructed within the one year period the applicant would have to reapply. No extension will be granted for installation of this future pump island. All other provisions of the original granting and all provisions of the Ordinance pertaining to this application shall be met. This is tied to the granting of August 6, 1968 in the name of

SUN OIL CO. - Ctd.

Kerns and Manegold and is an amendment to that application. Seconded, Mr. Barnes. Carried 5-0.

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EDWARD M. SILVESTER, app. under Sec. 30-6.6 of the Ordinance, to permit erection of addition to dwelling closer to property line than allowed by Ordinance, 3250 Faragut Ct., Mason District, (R-12.5), Map No. 61-1 ((7)) 13, V-86-69

Mr. Silvester stated that he wished to place an addition on his house but the lot slopes from the corner part of the lot and he is restricted as to where he can place it. The house is only 26 ft. wide. He is the original owner and purchased the house 12 years ago. They have three children and the addition would be used for another bedroom, and possibly a bathroom. Even putting the addition in the back would pose a problem because of the severe drop and they would still have the problem of a variance because of the curve of the cul-de-sac.

The problem of a corner lot in this case is compounded by three streets, Mrs. Henderson said. This is the first request for a variance in Ravenwood Park.

No opposition.

In the application of Edward M. Silvester, application under Sec. 30-6.6 of the Ordinance to permit erection of addition to dwelling closer to property line than allowed, 3250 Faragut Court, Mason District, Mr. Smith moved that the application be approved as applied for for the following reasons: the applicant's home is unusually restricted because it has a street on three sides. It has been stated that the terrain in the rear is not suitable for construction. This is a reasonable request. Setback of the original house was based on sight distance which is no problem here. He moved that the applicant who has owned the house for 12 years be permitted to expand his living quarters to take care of his expanding family. Seconded, Mr. Barnes. Carried 5-0.

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THE POTOMAC SCHOOL, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection of addition (classroom and study hall), to existing school, located S. of #123 at the end of #688 (Potomac School Rd.), Dranesville District, (RE-1), Map 31-1 ((1)) 5, S-84-69

Mr. Louis Kimball, principal of the school, stated that they propose an 80 ft. by 50 ft. addition, three stories. The bottom floor will be used for a science floor, the middle level for art and the top floor would be a combined auditorium and study hall with audio-visual facilities built in. This is not being built to enlarge the faculty and study body. They have 515 now and they wish to hold their class size to 18 per class. There is adequate parking on the property.

No opposition.

In the application of The Potomac School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of classroom and study hall addition to existing school located south of #123 at the end of #688 (Potomac School Road), Dranesville District, Mr. Smith moved that the application be approved as applied for with an addition of approximately 50 x 80 ft.; three stories, to provide additional classroom study areas and science facilities for the enlargement of the school. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

ROBERT S. CRITES, app. under Section 30-6.6 of the Ordinance, to permit construction of carport 23 ft. from Danny's Lane, 3635 Danny's Lane, Mason District, (R-12.5), Map No. 61-4 ((17)) 89, V-58-69 (deferred from March 25, 1969

The applicant was not present.

Mr. Smith moved that the application be deferred to June 10 and that the applicant be notified that if he is not present on that date, the application will be denied due to lack of interest. Seconded, Mr. Barnes. Carried unanimously.

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ROSEHILL FARMS COMMUNITY CENTER, INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to rebuild snack bar and storage area, 6406 Telegraph Rd., Lee District, (R-12.5), Map No. 82-3 ((4)) 2A, S-55-69 (deferred from March 25, 1969)

Mr. Peter Yerkison stated that their plans for the snack bar are being processed through the Health Department. They have 213 active members and 77 parking spaces which have always been adequate. They propose to cook hot dogs and hamburgers in the snack bar and have employed a food consultant to put the entire package together.

The Board is reluctant to grant permission to allow cooking in snack bars, Mr. Smith said. Has there been cooking in the past?

ROSEHILL FARMS COMMUNITY CENTER, INC. - Ctd.

No, they have had pre-packaged foods which were heated in infra-red ovens, Mr. Yerkison replied. In the new proposal they would have volunteers and teen-agers who would be paid $1.00 an hour, to do the cooking.

350

No opposition.

In the application of Rose Hill Farms Community Center, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to rebuild snack bar and storage area, 6406 Telegraph Road, Lee District, Mr. Smith moved that the application be approved as applied for as set forth in the revised plat submitted. All other provisions of the Ordinance shall be met. The staff had previously pointed out side yard requirements are not met along the southwestern property line of this project but this has been corrected. The existing snack bar will be removed when the new one is constructed. Seconded, Mr. Barnes. Carried unanimously.

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Policy

Mr. Knowlton asked the Board for an interpretation of the consensus regarding parking in connection with the Chrysler Corporation proposal as to what was meant by "customer parking" in the setback area.

Mrs. Henderson said that her interpretation was that customer parking meant people who were there to buy new cars, not for service.

This was his intent, Mr. Smith said, when he made the motion and he might decide now that possibly it would not be in the best interests of good planning to allow any parking within that setback area. This may be the only solution, to restrict this and have no parking at all within this 75 ft. setback area.

Mrs. Henderson said she could not do that without seeing the plat to see if they have enough land.

They have plenty of land, Mr. Smith stated, and the Board was very lenient when they allowed the use of the I-P district for storage of autos.

After more discussion Mr. Knowlton was instructed to inform Mr. Chilton that parking in the setback area is for retail parking only.

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Mrs. Henderson asked Mr. Knowlton if he had any information regarding the four trailers on the Dewberry-Nealon property being used as office space. They should not be there without obtaining a permit and they have no permit.

Mr. Knowlton said he would check into this.

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COLUMBIA SECURITIES CO. OF WASHINGTON, D. C., application under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, on easterly side of Old Mt. Vernon Road, (Rt. 623), opposite Cherrytree Drive, Mt. Vernon District, (RE 0.5), Map No. 110-4 ((1)) pt. par. 3, S-68-69 (deferred from April 8, 1969)

Mr. Robert Hood, Jr. stated that the request was to permit erection and operation of a sewage pumping station to serve the houses in the subdivision. The plans for the station have been approved with minor technical changes as to location of equipment by the Sanitation Division and the Health Department. The above ground portion will be 12' x 12' and below ground 12' x 15'. Plans call for brick exterior construction. The proposed station will sit in a ravine and will be surrounded by a 6 ft. chain link fence with overhang of barbed wire.

No opposition.

Mrs. Henderson read the Planning Commission's approval of the application under Section 15.1-456 of the Code of Virginia.

In the application of Columbia Securities of Washington, D. C., application under Section 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage pumping station, easterly side of Old Mt. Vernon Rd. (Rt. 623), opposite Cherrytree Drive, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for in conformity with statements and plats submitted and that all requirements of Sanitation, Public Works, Health Department, etc. must be met. All requirements of the Ordinance pertaining to this application must be met. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Roy Spence came before the Board for Mr. Hansbarger regarding the Rosenthal Chevrolet agency being displaced by the Highway Department in their present location and desiring to move to Annandale by stages. Probably the first thing that would be moved would be the auto repairs and that would be there before any car sales. Auto repair by itself is not permitted in a C-D zone but they are asking to do this on a temporary basis until they can move the entire agency. The option on the Annandale property expires on June 1. It would probably take five years before the entire operation was moved to this location.

April 29, 1969

Rosenthal Chevrolet - Ctd.

The Board felt that an application would have to be filed before any decision could be made.

Mr. Spence said that an application is on file and scheduled to be heard on May 27.

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The meeting adjourned at 3:30 p.m.
By: Betty Haines

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

May 22, 1969 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 13, 1969 in the Board Room of the County Courthouse. Those present were: Mrs. L. J. Henderson, Jr., Messrs. Barnes, Baker, Yeatman, Smith, and the new member, Mr. Richard W. Long. Mrs. Henderson, Chairman, presided.

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

Mrs. Henderson welcomed the new member, Mr. Richard W. Long, appointed to fill her unexpired term.

VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit addition to existing ground transformer station, west side of Nutley Street, approximately 300 ft. north of Lee Highway, Providence District, (RE-1), Map No. 48-4 ((1)) 1C, S-89-69

Mr. Randolph W. Church, Jr., representing the applicant, stated that in 1964 the Board approved a special use permit for a small transformer sub-station on Nutley Street. Subsequent to that time the Highway Department acquired about 40 ft. of the frontage of this property and in turn the Company acquired from the Highway Department this certain portion in the back. Because of the growth in this area it is necessary to duplicate the existing facility proposed to be done in the rear of the existing substation. This will make all the take-offs, including the existing ones, underground so that some of the poles there now will go underground together with the new equipment.

Mr. Carroll explained the need for the facility, and stated that the tallest structure on the property would be less than 20 ft. The substation will be almost completely surrounded by natural woods. The facility will be fenced with a 6 ft. chain link fence, the gate to which will be locked at all times when not attended. There will be no new traffic, no adverse effect on radio or television reception, and all proposed facilities will be designed to meet or exceed the requirements of the National Electrical Safety Code.

Mrs. Henderson felt there should be some supplemental screening planted along the front of the property where there is exposure to Nutley Street.

Mr. Carroll was agreeable to this.

Mr. McK. Downs, real estate appraiser, stated that the proposed use would not be detrimental to the surrounding area.

Mrs. Henderson read the Planning Commission recommendation for approval of the application.

In the application of Virginia Electric & Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to permit addition to existing ground transformer station, west side of Nutley Street approximately 300 ft. north of Lee Highway, Providence District, Mr. Smith moved that the application be approved as applied for for the doubling of the existing facility in order to meet the needs of the growing population in the immediate area. All other provisions of the Ordinance pertaining to this application shall be met. It is understood that screening will be as discussed by Mr. Carroll and Mrs. Henderson in connection with this application, along the front of the property where there is exposure to Nutley Street. Seconded, Mr. Barnes. Carried unanimously.

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DR. E. LAKIN PHILLIPS, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of private school, McLean Baptist Church, 1326 Calder Rd., Dranesville District, (R-17) Map No. 30-2 ((13)) 13, S-90-69

They are asking to use not the church but the educational building facing on Brawner Street, Dr. Phillips explained. The building was inspected by the County and approved subject to minor things which would have to be done. He presented a letter from the minister stating that these things would be done, and that the church has approved leasing the property for an eleven month period (through July 31, 1970) the second floor of the educational building for school purposes. This will be an extension of his existing school, for children five to nine years of age. At the present time they plan to have no more than 40 students, maybe later on they would have more. Capacity of the building is sixty students.

No opposition.

Mr. Smith noted that the staff recommendation is that the applicant apply for exception to the requirements of the site plan ordinance. In 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, McLean Baptist Church, 1326 Calder Road, Dranesville District, Mr. Smith moved that the application be approved as applied for with a maximum number of students at any time to be 60, ages 5 through 9; five days a week; no Saturdays. This permit will run to July 31, 1970 and if the applicant renews his lease he should request an extension from the Board 30 days prior to July 31 and if the Board feels this use is appropriate, the permit would automatically be extended to run with the lease. All other provisions of

the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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FOX-KELLER, INC., application under Sec. 30-7.2.10.3.8 of the Ordinance, to permit operation of automobile sales agency (new and used cars) 7129 Columbia Pike, Annandale District, (C-D), Map No. 71-1 ((1)) 96B, S-91-69

Mr. Keller stated that they presently operate the Volvo-Triumph-Toyoto dealership in the City of Fairfax and need this location for installing a branch of their business. This location will be used for display and sale of new and used cars. Very few changes will be necessary for the property in question. It was formerly a chicken carry-out restaurant and everything they need for the auto operation is there. Very few changes were required by the Inspections department -- they must install a walk-in door in the front and one overhead door in the rear. Repairs will be very minimum. Most of their repairs are done in the Fairfax city shop. There is room to serve three vehicles in the back of this building, and plenty of room for customer parking on the property.

Mr. Smith pointed out that parking would not be allowed in the 50 ft. front setback. Parking on the plat is laid out right up to the curb and this is not permitted; the Ordinance prohibits display of merchandise for sale in the 50 ft. setback area. This area could probably be used for customer parking.

Mr. Keller said he had not been aware of the 50 ft. requirement. He had planned to use the back part of the property for customer parking.

Mr. F. W. Harris, adjoining property owner, (Harris Plumbing), appeared in opposition to the application. He objected because he felt the place was inadequate in size and would increase the traffic congestion in the area. It would also be detrimental to his show room if cars were parked in the front of the property overnight.

Mr. Keller said that he would use the rear of the property for display purposes and the front of the property for customer parking so cars would not be parked there overnight.

Mr. Barnes moved to defer for additional plats showing the parking behind the 50 ft. setback and a layout of the interior of the building. The plats should also show the proposed number of parking spaces.

Mr. Smith advised the applicants to discuss this with Mr. Chilton in the Planning Engineer's office to see about site plan requirements. If site plan is necessary it might take a long time to get this approved.

The Board agreed to hold an extra meeting on June 17 in order to catch up on the backlog of cases.

Mr. Barnes moved to defer to June 17 for new plats. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN W. GRAY, JR. AND NANCY L. GRAY, app. under Sec. 30-6.6 of the Ordinance, to permit construction of addition 11 ft. from side property line, 8504 Stable Drive, Mt. Vernon District, (R-12.5), Map No. 102-3 ((10)) (7) 11, S-93-69

Mr. Gray stated that his property backs up to the church which has a tract of land containing approximately eight acres. It is wooded for about 200 ft. in the rear of their property. Under the terms of the Ordinance, the house is so situated that there is only about 1 1/2 ft. remaining on the south side to go to the restriction and 4 ft. on the north side of the house. They cannot put the addition on either side. They propose to place the addition in the rear of the house and on the north side. They purchased the house in April of 1965 and at the time they had two children. They now have three children and need the additional space. This will be of matching brick and shingles with a door in the rear, windows on either side, and matching shutters. For the time being it will be used mainly for storage purposes but someday they hope to turn this into an interior room. Minimum width of the lots in this subdivision is 80 ft. All of the neighbors are in favor of the application.

No opposition.

In the application of John W. Gray, Jr. and Nancy L. Gray, app. under Sec. 30-6.6 of the Ordinance, to permit construction of addition 11 ft. from side property line, 8504 Stable Drive, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for. The applicant has owned the house since 1965 and plans to continue to live there. The addition is for providing storage space and eventually living space for the family. This is a very narrow lot. To arrange an addition so as not to infringe upon side lines is impossible. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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May 13, 1969

GERALD F. JONES, app.under Sec. 30-6.6 of the Ordinance, to allow construction of addition closer to Glyn Street than allowed by the Ordinance, 4501 Gage Road, Mt. Vernon Valley, Section 3, Block 3, Lot 15, (R-12.5), Lee District, 101-3 ((15)) (3) 15, V-95-69

Mrs. Jones requested permission to build a carport. The carport which they had was enclosed for a room and they need a carport and storage area. They have a lot of property but most of it is in the front of the house and very little is in the back. There is no way they can place a carport on this corner lot and meet the setbacks of the Ordinance. The house is situated on the property differently than the others. The house is small and there is no basement or storage area and they need this desperately.

Mrs. Henderson suggested putting a storage area behind where the other carport was, however, Mrs. Jones felt this would detract from her house and would be objectionable to the neighbors. They have lived in this house for three years, she said, and the neighbors are in favor of her proposal. The request is for a 10' x 24' carport, the same as the one they had.

Mr. Yeatman noted that the staff report states that the carport would not interfere with sight distance.

No opposition.

In the application of Gerald F. Jones, application under Section 30-6.6 of the Ordinance, to allow construction of addition closer to Glyn Street than allowed by the Ordinance, 4501 Gage Road, Mt. Vernon Valley, Section 3, Block 3, Lot 15, Lee District, Mr. Smith moved that the application be granted due to the unusual shape of the lot and the placement of the house on the lot so the addition is almost impossible without some kind of variance. The applicant intends to continue to live in the house. All other provisions of the Ordinance pertaining to this application shall be met. This will be a 10 ft. wide by 24 ft. long carport. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM T. AND ELIZABETH W. SLYE, app. under Sec. 30-6.6 of the Ordinance, to permit erection of carport 37.8 ft. from Oxley Street, Mt. Vernon Valley, Section 8, Block 13, Lot 11, Lee District, (R-12.5), Map No. 101-1 ((5))(13) 11, V-94-69

When he bought the house he was told by the construction firm that he could build a double carport without any trouble, Mr. Slye stated. When he got the permit for pouring the driveway he intended to construct a carport. His wife is a registered nurse assigned to Fort Belvoir Hospital and subject to call at any time and he needs the carport to protect her car in the winter, so she will not have to scrape ice off the windshield in the middle of the night. This is a corner lot and this house has never had a carport.

Mr. Knowlton advised that a carport in this location would not affect sight distance on the corner.

Mrs. Henderson felt that if this carport were granted, it should not be larger than that in the preceding case, especially since both of these requests are in the same subdivision.

No opposition.

In the application of William T. and Elizabeth W. Slye, application under Section 30-6.6 of the Ordinance, to permit erection of carport 37.8 ft. from Oxley Street, Mt. Vernon Valley, Section 8, Block 13, Lot 11, Lee District, Mr. Smith moved that the application be approved in part -- to allow the applicant to construct a carport not to exceed 10 ft. in width in the location shown on the plat presented. All other provisions of the Ordinance pertaining to this application shall be met. The lot is small and the staff has stated that this addition will not adversely affect sight distance. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed a letter from the Royal Pool Association regarding topping of several trees and removal of one dead tree in the buffer zone which the Board designated "undisturbed" -- asking for a clarification of the motion. However, Mr. Knowlton stated that someone was going to be present at the end of the meeting to discuss this with the Board. No action was taken at this time.

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DONALD R. CHANDLER, app. under Sec. 30-6.6 of the Ordinance, to allow access road to be approximately 60.2 ft. from center line to existing dwelling, 1027 Swinks Mill Road, Dranesville District, (RE-1), Map No. 21-3 ((1)) 28, V-96-69

Mr. Chandler stated that he is dividing a piece of property and proposes to construct an access road to the second lot. Construction of this road would put it too close to an existing house. He will construct his own house on proposed Lot 1 and the owner of Lot 3 has already bought the outlot from him to become a part of that lot.

Mrs. Henderson was curious as to why Mr. Chandler was making the application since he has nothing to do with Lot 2.

May 13, 1969

DONALD R. CHANDLER - Ctd.

Mr. Knowlton explained that Mr. Chandler will own Lot 1 and the rights to the easement in question go acrossLot 2. The Board is considering the easement closer to the house, not the house closer to the easement.

Mr. Chandler stated that the man who lives in the existing house is the one who is selling him the land.

Mrs. Henderson felt that it was Mr. Ross who should be making the application.

Mr. Knowlton recalled a town house project off Arlington Boulevard which applied for variances in order to put an access road closer to two dwellings.

Why is there a 10 ft. outlet on Lot 1, Mrs. Henderson asked?

The man who owns Lot 3 wanted to move some equipment in to build a swimming pool, Mr. Chandler replied. That access is for construction of the pool only, not for access to the house.

Mr. Smith asked why Mr. Franklin was not notified? He is a contiguous property owner. Also Mr. Ross should have been notified.

Mr. Ross was aware of this, Mr. Chandler stated, as he is the one selling the property.

Mr. Yeatman moved to defer to June 17 for proper notification to Mr. Ross and Mr. Franklin. Seconded, Mr. Baker. Carried unanimously.

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LERNER CONSTRUCTION CO., app. under Sec. 30-6.6 of the Ordinance, to maintain an existing temporary model apartment building for an additional six months, 7001 Skyles Way, Springfield Square Apts. (RM-2G), Springfield District, Map 80-1, 80-2 ((1)) 9, 19B, V-97-69

Mr. Wharton, property manager for the apartments, did not have the required notices.

Mr. Yeatman moved to defer to June 17 for proper notification and information on how this model building got there to start with, how long it has been there, etc. The Highway Department and the Railroad are the only two contiguous property owners and they should be properly notified. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

BOARD OF TRUSTEES, COLLEGE OF THE POTOMAC, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of four year liberal arts college - 1700 students - 12 month operation, W. side of Rt. 228 at Folly Lick Run, Centreville District, (RE-1), Map No. 10-2 ((1)) pt. 1, S-983-68 (deferred from Feb. 11, 1969)

Letter from Mr. A. L. Brault, attorney for the applicant, requested deferral to September 1969, and if the application is not heard then it will be withdrawn.

Mr. Yeatman moved to defer to September 23, 1969 at the applicant's request, and if the application is not heard in September, it will be withdrawn. Seconded, Mr. Baker. Carried unanimously.

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PAUL BASSETTE, app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit display of rental vehicles, located at Old Dominion Drive and Whittier Avenue, Dranesville District, (C-G), Map 30-2 ((9)) 33, 34, S-37-69 (deferred from March 11)

Mr. Robert Hood, Jr. requested a temporary permit not to exceed two years for storage of rental vehicles. The entire block is owned by Mrs. Rosa Wickline and the only structure existing is Allen's Paint and Hardware. There is a proposed service station which was recently granted by this Board. Mr. Bassette's primary business is that of a rental business and his store is located across the street from this property. The rental of trailers and trucks is incidental to his other rental business. The equipment on hand would average two small trucks and five or six trailers.

Mrs. Henderson stated that she was disturbed by the plat -- it contains no metes and bounds on these two lots. Is there a lease line or a sale line between Lots 34 and 35, she asked?

Mrs. Wickline also owns the building which Mr. Bassette rents, Mr. Hood stated, and their lease is very informal allowing storage of vehicles on this land. Since this is a temporary permit, they would like to put in bluestone rather than pave the lot.

May 13, 1969

PAUL BASSETTE - Ctd.

Mrs. Henderson noted a letter from Allen's Paint Store stating that they have no objection to the request but since the area today is a mud puddle, it should be blacktopped if granted. The letter also suggested that a fence be installed around the area involved.

The staff recommends dedication along Whittier Avenue not to exceed 10 ft. which does not sound unreasonable, Mr. Smith pointed out.

The applicant is not authorized to consent to that, Mr. Hood stated, since the land is owned by Mrs. Wickline. The applicant is only a month to month tenant. Ultimately that dedication would be made when ultimate use is made of the property, and this use proposed is only a temporary one.

Mr. Bassette was hesitant to put in all these improvements since he did not know how long he would be using the lot.

Mr. Smith pointed out the ordinance limitations on size of trucks which could be stored on the property -- it would be limited to 1 1/2 ton vehicles, nothing larger.

No opposition.

In the application of Paul Bassette, application under Section 30-7.2.10.5.4 of the Ordinance, to permit display of rental vehicles, located at Old Dominion Drive and Whittier Avenue, Dranesville District, Mr. Smith moved that the application be approved; this is an accessory use to the operation across the street by the applicant. This is approved with the following conditions; that the applicant fence the entire property with a 6 ft. high fence, that there be a dustless surface as outlined by the Ordinance in the area where the vehicles would be stored or driven over and that the applicant or owner of the property dedicate 10 ft. along Whittier Avenue as a condition of granting this application. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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V.F. W. POST #8241, INC., app. under Sec. 30-7.2.5.1.4 of the Ordinance, to permit operation of post home, and Sec. 30-6.6 of the Ordinance, to permit building closer to property lines than allowed by the Ordinance, Lot 23, Fairfax Land Co. Addn. to Ingleside, 1240 Oak Ridge Ave., Dranesville District, (R-12.5), Map No. 30-2 ((3)) 23, S-43-69 (deferred from March 11)

Letter from the applicant requested withdrawal of the application.

Mr. Smith moved that the application be allowed to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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VICTOR J. ROSENBERG, app. under Sec. 30-6.6 of the Ordinance, to permit division of lot with less width than allowed, 2901 Fox Mill Rd., Centreville District, (RE-2), Map No. 36-1 ((1)) 22, V-62-69 (deferred from April 8)

Mr. Rosenberg presented the new plats requested by the Board. He had renewed his request to use Shady Mill Lane, he said, but there was no reply to his letter. In the letter he got from the developers in January'67 he was told that he could have access if he would pay $5,000. He then got an appraisal of what it would cost to construct a driveway to the back lot and it was $500 so he had offered them $500 and had received no reply. He hopes to be able to construct his home on Lot 2 but if he cannot get a loan he will probably sell off the 2.78 ac. and build an addition on his present house. In any case he must provide access to the back lot.

The Board discussed a pipe stem road but this would make Lot 1 non-conforming in area and make lot 2 not have the proper frontage.

In the letter from Mr. Chilton, Mrs. Henderson said, he admits that it makes this a corner lot which needs 225 ft. frontage -- the letter is contradictory.

Mr. Knowlton explained that the lot would be 225 ft. wide in the front. This would be no different than a sewer easement running down the side of the lot. It is still part of the lot width so he is only 5 ft. short. This one happens to be an ingress-egress easement and the Chandler application preceding this application involved a house that was too close to the road -- this one does not have any buildings.

Mrs. Henderson said she did not see why this easement does not make this a corner lot which would need a 25 ft. variance instead of a 5 ft. variance.

In the application of Victor Rosenberg, application under Section 30-6.6 of the Ordinance, to permit division of lot with less width than allowed, 2901 Fox Mill Road, Centreville District, Mr. Yeatman moved that the application be granted in accordance with plats presented. Seconded, Mr. Baker. Carried unanimously.

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May 13, 1969

The Board again found themselves ahead of their agenda.

Mr. Knowlton stated that Dewberry, Nealon and Davis had submitted an application recently on the Mantua Hills Swim Club on the Fairfax City-County line. They have now submitted an interesting letter with information indicating that they erroneously showed the City-County line and actually most of the swimming pool and the other facilities are located in the County rather than the City as represented at the hearing. They want a ruling on whether the motion still pertains.

The motion was directed to the parking only, Mr. Smith said, and the Board has not reviewed the pool location, size, etc.

The City of Fairfax granted the use permit for the pool, Mrs. Henderson said. The Board of Zoning Appeals did not grant the use permit for the tennis courts and most of the swimming pool is in the County.

Mr. Smith read the motion of February 18, 1969 granting this application. He moved that the tennis courts and swimming pools meet all setback requirements and screening requirements as set forth in the Ordinance; that they be allowed to continue construction of the proposed pool since it is late and he assumed the pool was almost completed by now.

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CHESTERBROOK SWIM CLUB - Mrs. Henderson read a letter from Mr. Weil requesting a waiver from the requirement to install standard screening and in order to comply with the intent of the original motion, they would plant either white pine or hemlock trees along the Kirby Road side of the parking lot on 10 foot centers. While readily permitting a passing police vehicle to survey the entire parking lot at one glance, these trees would effectively screen the area and yet preserve the parklike features of the facility. The neighbors are in favor of this request.

Why couldn't they install a gate and lock the facility when it is not being used, Mrs. Henderson asked?

Mr. Smith felt that if the people who would be most affected by this waiver were in favor of this, they, the applicant, should be allowed to proceed with completion of the swimming facility based on the planting arrangement set forth in this letter under the condition that if in the future a problem arises from not having proper screening or fencing in this area, the applicant would be required to show cause why this screening should not be implemented at that time. This was the consensus of the Board.

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WARREN S. BAUSERMAN, app.under Sec. 30-7.2.10.5.4 of the Ordinance, to permit sale of travel campers, portion of Lot 4, Hugh Maters Subdv., Lee District, (C-G), Map No. 90-2 ((11)) 4, S-69-69 (deferred from April 8)

The applicant was not present. The case was deferred to June 17 with the understanding that if the applicant is not present at that time the case will automatically be denied due to lack of interest.

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WALTER R. DICKSON, app. under Sec. 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, 8753 Richmond Hwy., Mt. Vernon District, (C-G), Map No. 109 ((2)) 7A & 8, S-66-69 (deferred from April 8)

The Planning Commission recommended deferral of the application. The applicant was n ot present.

The application was deferred to June 24 at the Planning Commission's request.

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CITIES SERVICE OIL CO., app. under Sec. 30-7.2.10.2 of the Ordinance, to permit erection and operation of service station, S. side of Old Dominion Dr., approx. 380 ft. east of Kirby Rd., Dranesville District, (CN), Map No. 31-3 ((1)) 85, S-76-69 (deferred from Apr. 22)

Mr. John Aylor pointed out the location of the property, adjacent to the Navy-Marine Home. This property was zoned C-N January 25, 1967, he said, and is owned by Robert A. Norman who will lease the property to Cities Service Oil Company. Sewer and water are available to serve the proposed use. He showed a photograph of the proposed station, adding that Citgo is very anxious to get started and have all permits by September. The closest Citgo station in existence to the proposed site is two miles. This is not a high speed highway, there are no traffic problems. This station will be better looking than those across the street. There is very little vacant land left in this area to develop, and no more land zoned commercially in this immediate area. There will be no problem on screening and fencing.

May 13, 1969

CITIES SERVICE OIL CO. - Ctd.

However, he did not feel there was a necessity for the 12 ft. setback and the plantings.

Mr. James Smith, engineer, described the topo as a 2-1 slope which would be sodded. They have plans to have trees and shrubs in lieu of standards screening and would like to put the fence on the property line for two reasons. Because of the bank, screening would serve no purpose if it were put back 12 ft. and because it would match up with the existing 6 ft. fence which the Sinclair station has.

Mr. Smith felt this was a good arrangement.

Mr. Aylor stated that the station would have rear entry bays and the space in back would be used for maneuvering vehicles in and out.

Mrs. Henderson noted that they could get an extra bay and still meet the 50 ft. setback.

There are five stations in the area already, Mr. Yeatman pointed out -- do these people need another gas station? People in McLean call this "gasoline alley" already.

Each site location is thoroughly studied, Mr. Aylor said, and they feel it is economically reasible to locate a station here.

Opposition: Capt. Matthews, General Manager of Vinson Hall, appeared in opposition. Within two months time if plans go right, there should be approximately 75 people in residence at Vinson Hall, and another 25 to 50 by September. These residents will average 78 years of age and only a few of them will have a license to operate an automobile. The traffic is growing heavier each day. The design of the station is good and no doubt it would improve the general appearance of the area but they foresee a very hazardous condition for the elderly people most of whom are going to be going afoot trying to get across Old Dominion Drive. There will be no commercial facilities within Vinson Hall other than the dining room.

In the second paragraph of standards for granting use permits, Mrs. Henderson said, The Board is to take into account among other things prevailing shopping habits, etc. and she wondered if there were a better use for this land than a service station.

Mr. Aylor said the property was zoned January 1967 and he did not know for what use.

Mr. Smith said he was concerned about the section of the Ordinance also -- the nature, location, size, etc. of the use shall be such that it will be harmonious, and he did not believe this intended a long strip of service stations. This has already been done and the Board is being asked to enlarge upon it.

Any widening of the road would probably eliminate some of those stations on the other side, Mr. Aylor said.

Mr. Smith agreed that the proposed station was a beautiful one but he believed the Ordinance intended C-N zoning to be devoted to neighborhood uses and the service station would be benefitting the entire surrounding area.

There is already a new shopping center across the road and businesses were reluctant to locate in a single location outside of a shopping center, Mr. Aylor said. A new service station going here would encourage the other stations to upgrade, he said, and add to the community. It is inconceivable that the Board would base their sole objection on this being incompatible with the eleemosynary institution next door -- those people were aware of the rezoning in 1967 and should have realized that a service station with a use permit could locate on this site.

A 7-Eleven is a good neighborhood use, Mr. Smith stated. If Citgo did not have other locations within close proximity to this site, he would not hesitate to grant the application, but this is a saturation of gasoline stations in this area.

Several uses could go on this property with less setback than a service station requires, Mrs. Henderson noted. The rezoning folder notes that the property was rezoned by Robert A. and Eloise V. Norman for retail stores, she added.

It is obvious that they have not been able to attract a tenant willing to pay the market value of the property, Mr. Aylor contended.

At the time of rezoning, Capt. Matthews said, they did not register protest since it was stated that the land would be used for retail sales purposes.

Perhaps the Board of Supervisors asked the staff to write an amendment removing gasoline stations in C-N zones from Board of Zoning Appeals because they were concerned about gasoline stations in C-N zones.

Rezonings are granted based on retail stores and apparently all of them are going for gas stations, Mr. Smith continued. If this had been an old rezoning it would be different, but it is very difficult for him to believe that the Board of Supervisors in their wisdom would rezone land specifically for a service station location in this area with the majority of the land there now being utilized for this purpose. There is little diversification here as far as retail outlets are concerned, and this should be of concern to the Board. It has been pointed out that the opposition present today did not object to retail stores. Apparently this area was in the Master Plan for commercial use but he did not believe it was ever intended for service station use.

A filling station is a retail establishment and is important to the people in the neighborhood, Mr. Aylor stated.

Mrs. Henderson felt it was not in harmony with the purposes of the comprehensive plan to fill every piece of land up with the same use.

This application was prior to the development of the shopping center across the street, Mr. Aylor pointed out. One single commercial shop by itself could not compete with a shopping center.

Mrs. Henderson felt that a small shopping center here could offer services that were not offered in the large shopping center, and referred to Seven Corners as an example, where a hardware store failed in the large shopping center and succeeded in the small one.

In the application of Cities Service Oil Company, application under Section 30-7. 2. 10.2 of the Ordinance, to permit erection and operation of service station, south side of Old Dominion Drive, approximately 380 ft. east of Kirby Road, Dranesville District, Mr. Yeatman moved that the application be granted and that site plan approval be required. Staff recommends dedication to the rear of the median as a condition of any use permit granted. Seconded, Mr. Baker.

Mr. Smith asked for discussion as to placing the fence on the property line and planting shrubbery and grass inside in the rear, Mr. Yeatman said he would agree with that -- to waive the 12 ft. setback, put in some shrubbery and make it pretty; this is to waive the 12 ft. setback on the screening requirement and permit the fence along the property line at the top of the bank. Seconded, Mr. Baker. Carried 3-2, Mrs. Henderson and Mr. Smith voting against the motion as they felt the station was not in harmony with the purposes and intent of the comprehensive plan.

Would this be a three bay station, Mr. Smith asked?

Mr. Yeatman said it had been specified that this would be a three bay station, and a 49 sq. ft. sign, not to exceed 20 ft. in height.

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Two ladies were present from the Royal Pool Association and described the trees which they would like to have topped and the one dead tree removed, however, several pool members objected as they felt it would be a violation of the motion granting the pool with an "undisturbed buffer area".

Consensus of the Board was that this would not prohibit the removal or topping of trees which were health or safety hazards, removal of undesirable undergrowth, brambles, litter and debris, and planting supplemental growth if desired. The intent of the motion was to preclude any recreational use of the buffer zone.

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Mr. Hansbarger was present to discuss the application of Rosenthal Chevrolet scheduled for hearing on May 27. He felt that there was some question by Mr. Woodson as to whether the Board had jurisdiction to hear this under a use permit.

If the application has been accepted, the Board will hear it, they agreed.

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The meeting adjourned at 5:00 p.m.
By Betty Haines

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

May 27, 1969 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 27, 1969, at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present: Messrs. Daniel Smith, George P. Barnes, Joseph P. Baker, Clarence M. Yeatman, and Richard W. Long.

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

The first item of business was election of officers. Mr. Daniel Smith was elected Chairman of the Board and Mr. Clarence Yeatman Vice-Chairman, by unanimous vote.

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ROSE HILL DEVELOPMENT CORP., app. under Sec. 30-7.2.10.3 of the Ordinance, to permit erection and operation of service station, S. W. corner of intersection of Franconia Road and Rose Hill Drive, Lee District, (C-D), Map No. 82-3 ((1)) pt.41, S-104-69

Mr. William Hansbarger represented the applicant. The 23,000 sq. ft. site will be used for erection and operation of an Atlantic service station, he said. This area was part of a 150 ft. strip adjacent to Franconia Road which was left as Residential at the time of rezoning. In 1964 at the request of the applicant, it was rezoned to C-D. There was a previous commitment on the part of these applicants not to build within that 150 ft. strip, Mr. Hansbarger said, which he had learned at the Planning Commission hearing He has searched the records, even to the extent of going to a former member of this Board, to find out if such a commitment had been made to the Board. His search of the record was such that that commitment had not been made. He did find in the record in 1961 where Mr. Rhodes who was working for Rose Hill at that time was asked if buildings would be built within the 150 ft. strip and he answered that that was the case, and Mr. Hansbarger asked the Board to search the record and if they could find a commitment, the applicants would abide by it. However, he felt that Mr. Rhodes' statement pertained to the emergency ordinance and during that sixty day interim they would not put buildings in that strip. This is the only way he felt that such a situation could have arisen, Mr. Hansbarger continued, was back in 1961 when the Board on its own motion passed an emergency amendment zoning that land to C-D and there was some discussion of indentures on the property. They did not come in after that sixty days and ask that the zoning be made permanent nor did they build any buildings in that strip.

In 1964, Mr. Hansbarger explained, they came back asking that the strip be rezoned to C-D for the avowed purpose of putting buildings in that 150 ft. strip. That was represented at the Board of Supervisors hearing and on that basis the staff recommended in favor of the zoning to C-D and the Planning Commission was unanimous in its recommendation for C-D. The Board of Supervisors, by a 5-2 vote, approved the rezoning. If there is any doubt in anyone's mind that such a commitment might exist, in all fairness to everyone, the Board might search the record for such a commitment and the applicant would abide by it, Mr. Hansbarger stated.

As to the appropriateness of the site, Mr. Hansbarger continued, they made a study on this and feel that it is an appropriate location and falls within the standards that exist or are proposed for service stations. In the Rose Hill Master Plan adopted by the Board of Supervisors in May 1967, this property is shown as retail commercial, which, of course, is the type of use they propose. He introduced Mr. Peterson from Alan M. Voorhees & Associates, Inc. to give the Board his findings on the traffic study of the area.

Mr. Peterson passed out copies of his report and summarized his findings as follows:

The intersection of Franconia Road and Rose Hill Drive has sufficient pavement to handle the existing traffic and is presently operating at 60-70 per cent of capacity. The proposed service station could generate up to 250 trips a day for fuel and other automotive needs with approximately 30 of these occurring in the peak traffic hour - about 2 per cent of the total traffic volume entering the intersection. Trips to the service station would not for the most part be new traffic and thus its impact is not additive. The addition of service station driveways creates only 1/5 as many pedestrian-vehicle conflicts along Franconia Road as now exist at the Rose Hill Drive crosswalk. The history of accidents at service stations as shown in several studies is not any more serious than at residential driveways, and, a service station is compatible with the existing commercial use.

Based on the findings in this study, Mr. Peterson stated, it is concluded that if a service station were erected on the southwest corner of the intersection of Franconia Road and Rose Hill Drive, the traffic using it would not create undue hazards to the public health and welfare.

Mr. Yeatman noted that the original site plan did not show a gas station in this location.

It could not have, Mr. Hansbarger agreed, because the land was zoned residential at that time.

ROSE HILL DEVELOPMENT CORP. - Ctd.

Sometime in the history of this there was a special use permit for the whole area for parking, Mr. Hansbarger continued. A comparable example which comes to his mind, he said, is the Shell station going in the Yorktowne Shopping Center. It is commensurate with the architecture of the shopping center. It was not planned originally because there was no demand for it but as the demand occurred they found that they could work it in with the shopping center. If the 150 ft. buffer strip were still there, they would not be before the Board today. It originally was a buffer strip; the applicant came in and got a permit for parking. Then the Board on an emergency motion granted C-D zoning and in 1964 the applicant came back for the avowed purpose of putting a building in the buffer strip and the staff recommended in favor of it; the Planning Commission unanimously recommended in favor and the Board of Supervisors granted the rezoning by 5-2 vote.

Opposition: Mr. Edward Thorne, President of the Rose Hill Citizens Association, stated that recently a traffic light was installed at this intersection to alleviate the severe traffic problems in the area. A gasoline station in this location would cancel the effects of the traffic light. He discussed the turning movements in this location and felt it would be impossible for traffic to properly turn into the gas station. He considered the station a hazard to the health and safety of the people, and felt there was no need for it. There are plenty of stations in the immediate area.

He discussed the proposed extension of South Van Dorn Street as called for in the Rose Hill Master Plan. When all of the through traffic is gone from these streets, he feared the gasoline station would become abandoned. He presented petitions opposing the application from the Rose Hill Citizens Association, Brookland Estates and Winslow Hills. A room full of people were present in opposition.

Other reasons which Mr. Thorne gave for opposing the application were the noise in connection with service stations; the gasoline vapors; attraction of undesirables in the area which they felt would add to the discipline problems they now have in the shopping center; and lights from the service station. The buffer strip, he said, was left there for a purpose and has steadily eroded.

Mr. Smith was concerned about Mr. Thorne's remarks in connection with the station attracting undesirables. This is the second time he has heard this in recent weeks, he said, and asked if Mr. Thorne had any proof or knowledge of any station in the County which attracts undesirables.

Mr. Thorne said he could not present any proof of this. He felt that denying the application would maintain the residential character of the neighborhood.

Mr. Emmet Boone, representing Bush Hill, stated that they feel the proposed service station would be an intrusion into their area. He objected to additional entrances which would be put into the shopping center. There are six at the present time. He had thought up until last week that the buffer zone still existed and he has not been able to find anyone who was aware of when the property was zoned C-D.

Mr. W. H. Andrews, resident of Bush Hill Drive, opposed access to the service station directly opposite Bush Hill Drive. They already have a problem trying to get out of their street and have to watch three directions. To have to watch in a fourth direction would be a very dangerous situation.

Mrs. Joseph Loehmann informed the Board that there are plans to put in a drive in restaurant as well as the service station.

Mrs. Mary Pamphlin of Bush Hill discussed the dangers to children walking along Bush Hill Drive to the bus stop. Traffic getting in and out of the service station would increase the hazards that already exist.

Mr. Werner agreed with Mrs. Pamphlin's statements and added that the light at the intersection does not provide for pedestrian crossing.

Mr. Hansbarger, in rebuttal, stated that the applicant has met the requirements of the Ordinance as to location and design and will have to comply with site plan requirements of the County as well as the State Highway Department requirements on curb cuts. He did not feel that the traffic was bad enough to warrant denial of the application in view of studies made by Alan M. Voorhees & Associates, Inc. Studies made in major cities over the years indicate only one accident per station in 232 years of operation so a service station is not a dangerous operation. Some of the objectors were concerned about deterioration of service stations -- fears that it might develop into a welding shop or repair shop. The definition of service station in the ordinance would not allow welding, auto body work, painting, etc. As to the question about moral commitment -- the Board should review the record and the applicant will be bound accordingly.

Mr. Smith noted letters from Royal Blum, Brookland Estates; Pastor Catlett of the United Presbyterian Church; the Winslow Hills Citizens Association, and a letter from a Mr. Andrews in opposition.

The Planning Commission recommendation was for denial of the application.

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ROSE HILL DEVELOPMENT CORP. - Ctd.

In the application of Rose Hill Development Corp., application under Section 30-7.2.10.3 of the Ordinance, to permit erection and operation of service station, S.W. corner of intersection of Franconia Road and Rose Hill Drive, Lee District, Mr. Yeatman moved that the application be denied. Traffic problems which would be caused by the location of a service station in this particular spot would be in direct opposition to the requirements specified in Section 30-7.1.2 of the Code. Seconded, Mr. Baker. Carried 5-0.

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ROSENTHAL CHEVROLET COMPANY, application under Section 30-7.2.10.3.8 of the Ordinance, to permit erection of automobile and truck salesroom, service and related facilities, located on north side of Route 236 (Michaels tract), Annandale District, Map No. 71-1 ((1)) 104, (C-D), S-115-69

Letter from the applicant's attorney requested withdrawal without prejudice.

Mr. Barnes moved that the application be allowed to be withdrawn, without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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LEWIS, MITCHELL & BIXLER, app. under Section 30-6.6 of the Ordinance, to permit waiver of 50 ft. side line setback from 30 ft. right of way located northerly side of Route 7 approximately 400 ft. west of Chain Bridge Road, Dranesville District, (C-G) Map No. 29-3 ((1)) pt. 71, V-98-69

Mr. John L. Hanson represented the applicant. The Board determined that the notices given did not meet the Board's requirements, therefore, Mr. Baker moved to defer to June 17 for proper notice. Seconded, Mr. Barnes. Carried unanimously.

Mr. Hobson represented the adjacent property owner and stated that he had not been able to find a copy of the justification in the folder and he hoped that the applicant would file one with the Board before the next hearing.

Mr. Hanson stated that he had filed the necessary justification with the application.

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MARY LEE HAMMOND, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of ballet school, 6518 Walters Woods Drive, Mason District, (RE 0.5), Map No. 60-2 ((19)) 4, S-99-69

The school has been operating in a non-objectionable fashion for a long period of time, Mr. George Cranwell stated. Mrs. Hammond is present, but asked that he represent her. She has been conducting the school in her basement and was not aware that she needed a special use permit. Classes are limited to 8 to 10 children.

Mrs. Hammond stated that she has students ranging in age from 5 to 19 and has been operating since 1958. She inquired at that time and was told that no permit was necessary. This application resulted from a complaint to the County by one of her neighbors. Most of the children walk over from Sleepy Hollow School. There would never be more than three cars at her home at a time. Most of her work is at J.E.B. Stuart or Yorktown High Schools for free. This is not a commercial operation.

Mr. Barnes noted that parking as shown on the plats did not meet the requirements of the Ordinance. It would have to be 50 ft. back from the front property line.

People drop the children off at her home and pick them up after class, Mrs. Hammond said, and there is really no requirement for very much parking. She is only teaching this for the benefit of the children.

Opposition: Mrs. Helen Low, a neighbor, described the traffic problem on the street. Ladies wait in their cars along the street to pick up children after class and sometimes the line of cars extends beyond her house and driveway.

If this is under use permit, Mr. Smith assured Mrs. Low, there could be no parking on the street in connection with this use.

In the application of Mary Lee Hammond, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a ballet school, 6518 Walters Woods Drive, Mason District, Mr. Yeatman moved that the application be granted with the following stipulations: that the applicant provide two parking spaces meeting the proper setbacks, and that the school operate Mondays from 4 to 5 p.m. with maximum of 10 children and 5 to 6 p.m. with maximum of 10 children; Tuesdays 3:30 - 4:30, maximum 10 children and 4:30 to 5:30, maximum of 10 children; Wednesdays 3:30 to 4:30, maximum of 10 children; 4:30 to 5:30 maximum of 8 children; 5:30 to 6:30, maximum of 8 children; Thursdays, 3:30 to 4:30, maximum of 11 children and 4:30 - 5:30 maximum of 11 children. Fridays, Saturdays and Sundays - no classes. No classes are to be held on holidays or when the schools are closed due to bad weather. The ballet school opens the last week in September and ends the last week in May. All other provisions of the

MARY LEE HAMMOND - Ctd.

Ordinance shall be met. Seconded, Mr. Baker. Mr. Barnes pointed out that site plan approval will be required for this use and the deficiencies noted by the Inspections Division must be corrected. Carried unanimously.

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FRANK J. SARDINIA, application under Section 30-7.2.6.1.3 of the Ordinance, to permit teaching of swimming, 7020 Backlick Road, Lot 4, Section I, Beverly Forest, Springfield District, (RE-1), Map No. 90-2 ((6)) 4, S-102-69

Mr. Sardinia stated that his pool is 45 ft. long by 25 ft. wide and he would like to teach swimming to children in the area. There would be only five or six children per class. He put a cover over the pool during the winter to see how it would work, and it was wonderful. He recently spent approximately $1,000 on the parking area in front.

Mr. Yeatman informed Mr. Sardinia that his parking would have to be 50 ft. off Backlick Road.

Mr. Sardinia said that parking has always been adequate for his dancing classes.

If there is already a use permit for a dancing school, Mr. Smith questioned whether the Board had authority to grant a second use permit on the property -- this is bordering on what should be commercial zoning, he said. The intent of the Ordinance was not to allow multiple uses on residential properties.

Mr. Smith read an opposing letter from the Lake Beverly Forest, Inc. along with a clipping from a newspaper advertising Mr. Sardinia's swimming lessons.

Mr. Smith added that he felt this situation was bordering on something that the Zoning Administrator would have no alternative but to require the applicant to show cause why he should not lose his dancing permit. Did the County issue a building permit for the swimming pool cover, he asked?

No, Mr. Sardinia replied, he did not know that a permit was necessary. It is not a permanent canopy.

It still is a structure, Mr. Woodson pointed out, and does require a building permit.

Mr. Herbert G. Carpenter, resident of Beverly Forest for ten years and next door neighbor of Mr. Sardinia, stated that he was in favor of the application. The dance school has never created a nuisance to him and he did not feel the swimming lessons would be detrimental to anyone.

Mr. Smith read the report of the Health Department recommending denial because the pool is a residential type and not qualified for commercial instruction, and the septic system is inadequate.

In the application of Frank J. Sardinia, app. under Section 30-7.2.6.1.3 of the Ordinance, to permit teaching of swimming, 7020 Backlick Road, Lot 4, Section 1, Beverly Forest, Springfield District, Mr. Yeatman moved that the application be denied in view of the recommendation from the Health Department, and also because there is already a use permit on this property for teaching of dancing. From the plat presented, there seems to be no place on the property where the applicant could have off-street parking that would meet the Ordinance requirements for this type of operation. Seconded, Mr. Barnes. Carried 5-0.

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RUNYON & HUNTLEY, application under Section 30-6.6 of the Ordinance, to allow building 25 ft. from front property line and location of pump island 11 ft. from property line, 7318 Richmond Highway, Lee District, (C-G), Map No. 92-4 ((1)) 77C, V-101-63

Mr. Charles Runyon was present in support of the application.

Mr. Knowlton explained that there is a section in the site plan ordinance which says that if you dedicate a service drive the setback should be no greater than if you do not. In this particular case, about three years ago the Hall property was subdivided and under subdivision ordinance it was required that approximately 46 to 48 ft. of right of way be dedicated for widening of U. S. #1 and service drive. The same thing was done on the Red Barn next door. They are requesting a waiver from the site plan ordinance only because dedication did not occur concurrently with the site plan. Had this dedication been made concurrently with site plan, everything would have met the requirements, including the pump islands. The original permit on this property was granted to Taco Rancho, a restaurant.

Apparently the original permit that was granted expired on April 9, 1969, Mr. Smith said.

The reason they are before the Board, Mr. Runyon explained, is because the site is not wide enough and deep enough to have the building as proposed. This is a car wash operation and the gasoline facility is an asset to their gross business. On rainy days they cannot operate the car wash. The building size will be 69 ft. x 34 ft.

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RUNYON & HUNTLEY - Ctd.

Did the Board some time ago at another meeting agree that a car wash with gasoline pumps would be considered as a gasoline station and would take the same setbacks, Mr. Yeatman asked?

This was the decision of the Board on an application on Route 236 in an area zoned C-N, and in a recent application in McLean, Mr. Smith said.

Mr. Knowlton said he had studied the plan and would like to ask a few questions -- To the north of the subject property is an existing Esso service station. Isn't it true that the pump islands in this case would be in line with their pump islands in that location?

Yes, Mr. Runyon replied.

Would this building be in line with the Red Barn on the adjacent property, Mr. Knowlton asked?

To this, Mr. Runyon also replied yes.

There was no opposition.

In the application of Runyon & Huntley, application under Section 30-6.6 of the Ordinance, to allow building 25 ft. from front property line and location of pump island 11 ft. from property line, 7318 Richmond Highway, Lee District, Mr. Yeatman moved that this application be granted. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. 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 closer to rear property line than allowed, 1353 Chain Bridge Road, Lot 4A, Resub. Lot 4, Section 5, Salona Village, (C-D), Map No. 30-2 ((12)) 4A, V-103-69

Mr. Klopfenstein represented the applicant, stating that this application is identical to one which the Board granted to the applicant in February of 1967. They are simply asking that that application be renewed. In the original approval were contained these provisions -- that the building side along Sothron Street be as near as possible to the existing brick, that standard County screening be erected in the rear of the property, and that the applicant put in sidewalk, curb and gutter as specified. All other provisions of the Ordinance were to be met.

What was the reason for originally requesting this variance, Mr. Smith asked?

They were asking for the same variance that the property next door had received, Mr. Klopfenstein said. The hardware store next door to them had received a variance and there was an exposed cinder block wall there. They could have put an extra story on except for the electrical lines above them, or they could have built an odd shaped building which would create a traffic hazard across the street from the alley-way entrance. This is a corner lot. The building proposed goes directly back and matches the building on the adjacent lot, both of which are closer to the line than would be allowed under the Ordinance. This is the same tenant, Sherwin-Williams Paints, and they were there also in 1967. They have no problems with parking. The addition is strictly for storage purposes. When the Board of Supervisors granted the waiver of site plan they specified that sidewalk, curb and gutter would be installed, and this would be done at the time this building was built. They ran out of time and the permit expired.

No opposition.

In the application of The Helena Corporation, application under Section 30-6.6 of the Ordinance, to permit construction of addition to existing building closer to rear property line than allowed, 1353 Chain Bridge Road, Lot 4A, Resub. Lot 4, Sec. 5, Salona Village, Mr. Yeatman moved that the application be granted to permit construction of an addition and the building side along Sothron Street will be brick as near matching the brick now on the building as possible. Standard County screening will be erected in the rear of the property and the applicant will put in curb, gutter and sidewalk as specified. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 5-0.

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STARLIT FAIRWAYS, INC., application under Section 30-7.2.7 of the Ordinance, to permit temporary use of trailer as golf pro shop, erection of maintenance building (Butler type) and construction of additional swimming pool, 9401 Little River Turnpike, Springfield District, (RE-1), Map No. 58-3 ((1)) 2, 58-4, S-106-69

Mr. Thomas Lawson represented the applicant requesting that the original use permit granted 12 or 13 years ago for this operation be amended as applied for.

STARLIT FAIRWAYS, INC. - Ctd.

Mr. Lawson stated that the applicant is requesting permission to have a golf pro shop for a period of twelve months. They are in the process of redoing the entire site and have a rezoning application for rezoning on a part of the property. They have been using the temporary golf pro shop for about a month and it is on the front of the property. There is a barn existing on the property which will be removed, and they propose to erect a maintenance building in the rear of the property. It will be a 24' x 48' Butler building. They also plan to construct another pool, much larger than the one existing. They would extend the building to cover the second pool.

Opposition:

Mrs. Barbara Wagner, 4100 Olley Lane, stated that her property would back up to the proposed Butler building. Starlit Fairways has lost much money due to vandalism and putting this building to the rear of the property where there is no supervision would be inviting more trouble, she feared. The trailer which houses the pro shop has been on the property and in operation for more than two months, and she felt this was a violation. Why can't the maintenance building be put in a location where there would be supervision, she asked? Also, would Starlit eventually plan to build a new pro shop regardless of the rezoning on this property or would they ask for an extension of time on the trailer? If the zoning does not go through, she would hope they would build a nice pro shop and not try to use the trailer.

Mrs. Patricia Dingwald stated that she lives behind where the trailer is parked. She is Chairman of the zoning committee for Haywood Citizens Association, she said, and although they are in favor of the pool and the improvements, they do question whether or not the new pro shop would be built or would they continue with the temporary one whether the apartments go up or not.

Mr. Lawson told the Board that there had been vandalism problems and they are building a 6 ft. chain link fence along the property line. They placed the maintenance building as indicated to move it away from the homes. There is 23 acres of open property here. As far as the pro shop is concerned, they hope they will be able to build a new one if the property is rezoned.. They are not asking that they be able to continue this beyond one year. The application being considered by the Board was filed upon his advice, Mr. Lawson continued. It was Mr. Stevens' judgment that this was not in violation but rather this was an ancillary use unless the motion specified only certain types of buildings.

Mr. Smith disagreed. Under a use permit all buildings and temporary uses must be approved by the Board prior to being started. If this were not true, people could bring in temporary trailers under any use permit.

Mr. Yeatman pointed out that the Butler building would be hard to vandalize -- it is a steel building.

It will be purely a maintenance building for the golf course, Mr. Lawson explained, and it will be surrounded on two sides by 6 ft. chain link fence. Fencing has been started and should be finished within 30 days.

Why couldn't the location of the Butler building be moved, Mr. Smith asked?

Mr. Lawson said they would have to revamp the tees, greens, etc. to make allowance for the apartment buildings, assuming that the rezoning is granted, and he felt this would be better because it is to the rear and there is vacant land to the rear and other side of it.

Mr. Woodson reported that he had received no complaints on the operation.

In the application of Starlit Fairways, Inc., application under Section 30-7.2.7 of the Ordinance, to permit temporary use of trailer as golf pro shop, erection of maintenance building (Butler type) and construction of additional swimming pool, 9401 Little River Turnpike, Springfield District, Mr. Yeatman moved that the application be granted according to plats submitted dated 5-14-69 by R. F. Grefe & Associates, and that the office and trailer be used for one year under this permit. All other provisions of the Ordinance shall be met. It is understood that Starlit Fairways will put a 6 ft. fence along the property line except the frontage on Little River Turnpike and the part that abuts the Fairfax County School Board. Seconded, Mr. Baker. Carried unanimously.

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LESLIE D. KAMPSCHROR, app. under Sec. 30-6.6 of the Ordinance, to allow construction of swimming pool 5 ft. from rear and side property lines and 5 ft. from garage, 8305 Beaverdam Court, Lot 71, Section 4, Chapel Hill, Annandale District, (R-17), Map No. 70-3 ((7)) 71, V-105-69

Mr. Samuel Moore represented the applicant, requesting a variance to construct a swimming pool, a small portion of which would come within 5 ft. of the two car garage portion of the residence. The pool would be constructed of concrete and fiberglass.

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LESLIE D. KAMPSCHROR - Ctd.

The property is located on a cul-de-sac. The request is that a variance be granted for construction of the pool extending 8.6 ft. behind the two car garage, he said.

If the 12 ft. requirement cannot be met, there are at least three other variances necessary in connection with this request, Mr. Smith pointed out.

This is the only possible location for the pool, Mr. Moore continued. A smaller pool would not have effective circulation and filtration. The pool will be compatible with the size of the house. The owners have seven children. This size pool is necessary to accommodate a family of nine. This lot is located on a cul-de-sac, and back of it is irregular and extremely shallow. To prevent the applicants from constructing the pool would deny them from a reasonable use of the land.

Mr. Smith sympathized with the applicant's position, however, he pointed out that the Board had denied similar applications.

Mr. Knowlton stated that the staff is generally opposed to such an application because such uses are of intense nature when they are being used and detrimental to the use of adjoining property. This is a fairly new subdivision zoned R-17 cluster, and the land behind this property has been conveyed for ultimate construction of a school. He did not think that pool use would be different from the playground use, so perhaps this might be a little different situation than the Board has had before.

Mr. Moore stated that he happens to be one of the adjacent owners and was in favor of the pool.

Mr. Smith felt that the School Board should be notified and if they have no objection this would have a great deal of bearing on his decision.

No opposition.

Mr. Barnes moved to defer to June 17 in order to hear from the School Board -- deferred for decision only. Seconded, Mr. Baker. Carried unanimously.

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YORKTOWNE RESEARCH & DEVELOPMENT CENTER, app. under Sec. 30-6.6 of the Ordinance, to permit the 100 ft. setback line required to be reduced to 50 ft.. property located at Telestar Ct., and Gatehouse Rd., Yorktown Research & Development Center, Providence District, (I-L), Map No. 49-4 ((4)) 7 & 8, V-110-69

Mr. Thomas Mays described the rezoning events that took place in this area over the years. At the time the applicants purchased the subject property, he said, the land to the east of Lots 7 and 8 was zoned I-L. The entire northwest quadrant of Route 50 and Route 495 was either zoned I-L or was in the Master Plan for I-L zoning. Subsequently, the applicants received I-L zoning for the subject property, and subsequent to that, the land to the east of Lots 7 and 8 was zoned RM-2G. On January 30, 1968 the record plat for the applicant's property was approved by Fairfax County. The zoning of the adjacent land to the east of Lots 7 and 8 brought into effect the 100 ft. setback requirement of the Zoning Ordinance and thereby rendered a major portion of Lots 7 and 8 useless for building purposes. The Zoning Staff, under certain circumstances, is permitted to waive the 100 ft. setback line (e.g.) when the property is adjacent to unoccupied residential property already in the Master Plan for I-L classification. The staff in this case is powerless to give such a waiver because of the proximity to RM-2G zoning.

The existing combination of circumstances, Mr. Mays continued, is such that a strict application of the Ordinance would deprive the appellant of the reasonable use of the land, particularly when the setback provisions of the Ordinance are applied on the west side of the lots setting back from Telestar Court, and would occasion an unnecessary hardship. The applicant realizes that personal or financial circumstances are not considered by the Board; however, purely by way of information the applicant has a firm contract with National Clinical Services Laboratory, Newark, New Jersey, a larger national medical laboratory who proposes to construct a 9,000 sq. ft. laboratory on the premises. The property located close to two major airports and major highways is ideally suited to accommodate a large number of scientists, doctors, technicians and others visiting the laboratory, as well as to serve the local medical profession in testing and research.

What is the distance to the nearest dwelling, Mr. Smith asked?

The apartments are 100 ft. from their property line, so this presents no problem, Mr. Mays replied.

No opposition.

In the application of Yorktowne Research & Development Center, application under Section 30-6.6 of the Ordinance, to permit the 100 ft. setback line required to be reduced to 50 ft., property located at Telestar Court and Gatehouse Road, Yorktown Reserach and Development Center, Providence District, Mr. Yeatman moved that the application be granted. All other provisions of the Ordinance shall be met. There is no occupied dwelling within the 100 ft. separation required by the Ordinance. Seconded, Mr. Baker. Carried 5-0.

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May 27, 1969

DEFERRED CASES

GULF OIL CORPORATION, app. under Sec. 30-7.2.10.2. of the Ordinance, to permit erection and operation of gasoline station, 7724 Telegraph Road, Lee District, (C-N), Map No. 100 ((1)) 33, S-77-69 (deferred from April 22)

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Mr. Knowlton stated that it was quite an honor to represent one of the Supervisors. Mr. Alexander had asked him to read his statement to the Board regarding the above application. The following is Mr. Alexander's report:

"The subject property was classified in the "Rural Business" category in the summer of 1948. The purpose of the classification was to allow the establishment of a general store in one of the houses owned by Mr. Frederick M. Lacy so he could sell fresh milk and homemade bread from his front porch.

In 1948 there were apparently no attempts on the part of the County to prevent spot or strip zoning along our primary or major secondary roads and in retrospect this action certainly was a grave mistake. In 1959 when the present ordinance came into effect, the subject Rural Business was automatically changed to Commercial Neighborhood and has been so zoned since.

The C-N (Commercial Neighborhood) district should not be construed to permit gasoline stations as a highway-oriented use. This district was designed to provide for convenience facilities necessary to a residential community. There is a proposed service station on the west side of Telegraph Road, north of Hayfield Road, on land which is zoned C-D. This shopping complex has been planned to serve the needs of the Hayfield Farms subdivision and the surrounding community. Unlike that neighborhood use, the subject application is designed to draw its primary revenue from highway traffic.

The uses permitted by right in the C-N district specifically prohibit the outside display of merchandise except flowers and plants and it should be questioned whether a use permit should be granted with more leeway in such display than is permitted for those uses by right. Yet it is the practice of the Gulf Oil Corporation, or any oil company for that matter, to display such products as oil, tires, batteries, etc., on the pump islands and in front of the building. Also, quite differently from the uses permitted by right, a gasoline station carries on its major activity out-of-doors and thus presents more of an impact on the adjoining properties than any use permitted by right.

The Board of Zoning Appeals have always been concerned about what may or may not be done by right. However, along with this, certain discretion and judgment must be exercised. The discretion in this case according to Section 30-7.1.3 are those items in the preceding section. Primarily among these considerations are the following: the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the County, taking into account, among other things, vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances and relation to pedestrian traffic.

The proposed gasoline station does increase vehicular traffic as does any business; does increase traffic congestion by causing left turn movements both into and out of the station; is auto-oriented and therefore not compatible with the adjoining school and residential neighborhood and its related pedestrian traffic; and is not related to a street intersection.

Finally, since the requirements of both the State and County Code call for advertising of cases in a newspaper of general circulation, for posting the property, and for notifying abutting property owners, it must be assumed that public opinion directly from the affected area should have a strong voice in the deliberations of the Board. The opposition to this proposal has been overwhelming and by such standards the interests of the citizens and the officials must prevail over the rights of a property owner seeking a use not permitted by right.

A gasoline station is specifically set apart in the Ordinance as requiring a use permit. By doing this the authors of our Code have stated that a gasoline station has more of an impact on the surrounding uses than any of the uses permitted by right. The Board of Zoning Appeals has stated that other uses such as drivein restaurants might be more detrimental and the staff is seriously contemplating Code changes that would

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GULF OIL CORP. - Ctd.

bring these uses under use permit control along with service stations. Meantime we must consider from the Code that a gasoline station is, by its very nature in law, more of a detriment to the health, safety, welfare and morals of the general public than any use permitted by right in a C-N district.

In the best interests of the citizens of the area, in line with the intent of the C-N district, because the request is detrimental to the area in terms of the standards for such uses and because no such use was contemplated at the time this property was placed in this zoning category, I respectfully request the Board of Zoning Appeals to deny this special use permit. "

Mr. Hobson, in rebuttal, stated that Mr. Alexander had not submitted new evidence, but merely had summed up what he thinks the law is, and asks the Board to deny the application. When the public hearing on this case was closed, it was quite apparent that this application had met the standards in the Ordinance despite what Mr. Alexander says, and this is the only thing this Board under the Ordinance is charged with looking at. At the end of that public hearing, the then Chairman stated that she had looked carefully through the Ordinance and could find no reason to deny the application.

A restaurant certainly would be more of a potential nuisance to a neighborhood than a service station, Mr. Hobson continued, and is not limited to inside sales. Secondly, regarding traffic, the Ordinance says not only should this Board look at the traffic that is expected to increase normally in the area in which it is located, but statistics which he gave the Board previously show that there would be a 29 per cent increase in traffic if there were no development on this property. Testimony at this hearing was that turning movements required into this proposed gasoline station would be less than required by other commercial uses permitted by right in a commercial zone.

There has been some public opposition, Mr. Hobson said, but this should not be a germaine factor for this Board's decision. This Board is not making legislative decisions. This Board is deciding whether proper standards as set forth in the Ordinance have been met and if they have been met, this applicant is entitled to this use permit. The property was zoned in 1948 and since that time no one has noticed it, and no action has been made to correct this "mistake". In 1966 the master plan laid out for this area was adopted showing this property for commercial use. The testimony at the public hearing that gas stations attract a congregation of undesirable people is unfounded. Gulf does not want its stations to be that way. It is not good for the business and not good for their image. If the Board is worried about this becoming a gathering place for undesirables, they can put conditions on the use permit, Mr. Hobson continued.

Mr. Smith said that he agreed with most of Mr. Hobson's statements, especially in connection with undesirables, but he did feel that service stations do have one advantage over other businesses that might go into a C-N category, and that is they are allowed to dispense their products within 25 ft. of a property line, not permitted by any other use in this category.

Mr. Smith read the statement from the Planning Commission requesting the Board to defer action on the application until the Commission has had time to review the application.

Mr. Hobson objected to another deferral, adding that the Planning Commission had had ample time in which to make a recommendation if they cared to.

Mr. Yeatman moved to deny the application of Gulf Oil Corporation, but there was no second to the motion.

Mr. Long stated that he was not a member of the Board at the original hearing, and had not had a chance to review the minutes.

Mr. Barnes moved to defer to July 8 for the Planning Commission to review the application. Seconded, Mr. Baker. Carried unanimously.

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VIRGINIA STATIONS, INC., application under Section 30-6.6 of the Ordinance, to permit construction of auto laundry, 20 ft. from rear property line, 1401 Chain Bridge Road, Dranesville District, (C-G), Map No. 30-2 ((1)) 50C, V-53-69 (deferred from April 22)

Letter from the applicant's agent requested withdrawal of the application.

Mr. Barnes moved that the Board allow the application to be withdrawn, with prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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ELDRIDGE M. GLENN, application under Section 30-6.6 of the Ordinance, to permit construction of addition closer to Tremont Drive than allowed by the Ordinance, 3501 Elmwood Drive, Lee District, 82-2 ((13)) 76, V-75-69 (deferred from April 22)

Letter from the applicant requested withdrawal.

Mr. Barnes moved to allow the application to be withdrawn, with prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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LAWRENCE T. CAPONE, app. under Sec. 30-6.6 of the Ordinance, to permit reconstruction of pre-existing building 32 ft. from Markham Place and 41 ft. from Little River Turnpike, 4301 Markham Place, Annandale District, (C-D), Map No. 71-1 ((1)) pt. 2, V-107-69

Mr. Stephen G. Creeden represented the applicant. This application involves a regranting of a setback variance which was previously granted by the Board in 1964, and that is the setback from what is now known as Markham Street. The addition which the applicant built when he purchased the property is the only thing which remains on the property. The rest of the building was destroyed by fire. They are also asking for a variance from #236, which as far as he knew, Mr. Creeden continued, had never had a variance before. That portion was in existence at the time the property was rezoned to the commercial category and at that time it met the Ordinance requirements. The Ordinance was later changed and made it non-conforming as to setback. The applicant proposes to reconstruct the same building which was destroyed by fire. The only difference in the proposed building would be the flat roof rather than the original type roof.

Would the applicant provide a service drive both on the front and side of the property, Mr. Smith asked?

Mr. Capone said they had dedicated 4 ft. on Markham Street in the site plan process and they have to move the curbing and guttering back 4 ft. and pave the street.

Mr. Douglas Fahl from the Planning Staff gave a report on proposals in this area by the Highway Department, indicating that the proposed building may interfere with the realignment of Markham Place which is scheduled in the advance planning to be part of the major eastbound artery through the Annandale area with Little River Turnpike reverting to a westbound only facility.

In the application of Lawrence T. Capone, application under Section 30-6.6 of the Ordinance, to permit reconstruction of pre-existing building 32 ft. from Markham Place and 41 ft. from Little River Turnpike, 4301 Markham Place, Annandale District, Mr. Yeatman moved that the application be granted and that all other provisions of the Ordinance shall be met. This is an odd shaped lot. They are giving some land for the widening of Markham Street and paving it and this is a very peculiar situation. Seconded, Mr. Long, because he said this is a hardship case where to make a reasonable use of the property, some variance is necessary. Carried 4-1, Mr. Smith voting against the motion as he felt the request was for the maximum rather than the minimum variance.

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Mr. Richard Waterval was present asking for an interpretation of the motion granting his application on January 28, 1969. Mr. Yeatman clarified his motion by saying that the intent of the motion was that the building be constructed as shown in the pictures and on the plats. Mr. Baker accepted and endorsed this as his intent in seconding the motion. Mr. Smith did not participate in the discussion since he did not participate in the granting, he said.

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Mr. Barnes told the Board that Mrs. DeRamus of the Double J Christian School was seeking an extension of her permit since she had not been able to get the school started because of family health problems. She is now ready to proceed if the Board will allow her to. Therefore he moved that Mrs. DeRamus be granted an extension of one year, to June 13, 1970, in the application of Double J Christian School. Seconded, Mr. Baker. Carried 5-0.

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The Board discussed a letter of complaint directed to them from Mr. and Mrs. Austin Newton regarding the Hatcher Riding School in Dranesville District.

Mr. Hatcher was present and admitted that he had had more than 15 horses on the property recently and the reason was that one horse had become entangled in barbed wire and he was using an extra horse while waiting for this one to heal. The injured horse would be removed from the property and they will never have more than 15 horses from now on. As for the manure piles which the Newtons complained of, his property is kept clean, and he cannot follow the horses around the pasture with a shovel, he said. He invited the Board members to visit his property and see what they thought of his operation.

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HATCHER RIDING STABLE - Ctd.

Mr. Larry Randall of the Fairfax County Recreation Department praised Mr. Hatcher's operation and described it as an excellent operation, and a major asset to the Recreation Department. He described the activities that take place during the classes held on the property, and added that last summer there were sixty students enrolled in this program.

Mr. Smith stated that he hoped the inspectors would take a look at the property and report on this operation. Mr. Hatcher should not be expected to follow the horses around with a shovel, Mr. Smith said, but the property should be kept as clean as possible. The Board members will also look at the property, he said, and the number of horses on the property should never be more than fifteen.

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JOHN R. MITCHELL, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of service station, Lot 20, Poplar Hill Subdivision, Annandale District - Letter from the applicant requested an extension of the use permit to August 6, 1970. They are in the process of working out a deal for the service station and probably will not be ready to go before the permit expires, therefore the request for the extension.

Mr. Yeatman moved to grant an extension of the permit to August 6, 1970. Seconded, Mr. Barnes. Carried 5-0.

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CITY OF FALLS CHURCH - Request for extension of use permit for water storage tank at Prout Hill -- they have been held up but are ready to go now. Mr. Barnes moved to grant an extension of one year, expiring June 14, 1969. Seconded, Mr. Long. Carried unanimously.

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Letter from Mr. James R. Boyett, 5100 Thackery Court, Fairfax, Virginia, requested extension of his use permit for operation of a private school.

Mr. Smith suggested a six months extension.

Mr. Barnes moved to grant an extension of six months from June 18, 1969. Seconded, Mr. Yeatman. Carried unanimously.

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Mr. Smith read a letter from Mr. and Mrs. Fisher complaining about noise from the operation of Old Frontier Town, Inc. The Board discussed the fact that the applicants had not complied with the motion granting their application and therefore were ineligible for an occupancy permit and did not have the right to open. Mr. Woodson should be instructed to close the operation up immediately if they don't have the necessary permit, Mr. Smith suggested, because the application was granted for a period of three years providing the parking lot is asphalted and there should be no train whistle or loud noise from the operation to disturb the residents living nearby.

Mr. Smith stated that he lived farther away from Old Frontier Town than the Fishers and he, too, had heard the noises from his home. If there is any question on the motion granting the use, then the applicant should come back to the Board, but they should cease to operate until such time as they are granted a use permit and have complied with all the requirements. They are operating without a permit at the present time.

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Reverend C. L. Bishop of the Franconia Baptist Church appeared before the Board requesting permission to use a temporary building on an adjacent parcel of land for the Luther Rice College until they can get their permanent building constructed on the land for which the Board of Zoning Appeals granted a use permit recently. They would use the temporary building for two years.

Mr. Yeatman moved that the Board grant a temporary permit for one temporary building 30' x 48', for a period not exceeding two years, providing all of the building inspections department requirements are met. This is tied to the original granting of the Luther Rice College, 5912 Franconia Road, January 23, 1968, and after two years, if necessary, they could come in and renew their request for extension. Seconded, Mr. Barnes. Carried 5-0.

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Mr. Knowlton reported that the Super Slide in Springfield had been inspected and was found to be complying with the County sign ordinance.

The meeting adjourned at 6:30 p.m.
Betty Haines, Clerk

Daniel Smith
Chairman

Aug. 6, 1969
Date Approved

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, June 10, 1969, in the Board Room of the Fairfax County Courthouse, commencing at 10:00 a.m. The following members were present: Mr. Daniel Smith, Chairman, Messrs. Yeatman, Barnes, Baker and Long.

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

NATIONAL NURSING HOME ASSN. OF AMERICA, INC., app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home for 150 persons, 2000 Swan Terrace, Belle Haven Terrace, Mr. Vernon District, (R-10) Map No. 93-1, 83-3 ((1)) 71, S-78-69.

There has been a recommendation to defer the entire matter of nursing homes, Mr. J. J. Prendergast stated, specifically this application, because of the County's desire to adopt a criteria for nursing homes. However, it is their feeling that they have complied with the existing Ordinance and that the nursing home they propose to build does meet the criteria now and will meet the proposed criteria. Topographically, the property is unsuitable for development of homes. It has a large swale, making one-third of the lot unsuitable for housing. This property has been this way for 10 or 15 years without development. Right now, the property is heavily wooded. At last Thursday's Planning Commission meeting the recommendation was that this application be deferred but the applicant would rather have this approved or denied rather than wait until the criteria is established. The applicant is contract purchaser of the property and would rather know now than have to wait for some length of time.

This is an ideal area for a nursing home, Mr. Prendergast continued -- it is a quiet residential section away from the hustle and bustle of traffic. They are willing to reduce the size of the building if the Board feels this would be warranted. The proposed building would have the appearance of a one story building but to take advantage of the terrain on one side there would be a first floor below ground level. This type of home would not generate a great deal of traffic. A nursing home with 100 to 110 beds would probably have a staff of 70 or 80 people working in three shifts and there is a bus route running on Fort Hunt Road, so they do not anticipate more than 25 or 26 cars coming in per shift. They have shown 56 parking spaces on the plat which they feel are more than enough. Visitors do not come very often, and when they do come, they are only a few at a time. There is a great deal of natural screening in the front of the property which would remain. No land has been set aside as a park site as recommended by the staff, but some other land in the area has been taken for park land.

If this land were developed in R-10 zoning for single-family homes, there would be approximately 84 persons on this property. They are willing to limit the size of the nursing home to be in keeping with the surrounding area, Mr. Prendergast offered. The nursing home would be calm and quiet as they would not have feeble-minded, alcoholic or insane patients. Mr. Sills, one of the principals of this application, is the operator of Manassas Manor Nursing Home in Prince William County, and is present to answer questions of the Board, Mr. Prendergast said.

Opposition: Mr. Gray, representing Belhaven Estates and Belhaven Terrace Citizens Association, reported that at a meeting of the citizens a resolution was passed in opposition to the application. They had no knowledge of the type of building and facilities that were to be put on the property. Swan Terrace is a secondary road and is full of pot holes at this time. A nursing home would generate a certain amount of truck traffic over this road bringing supplies. The citizens would like to see the land developed because it has been a consistent sore spot to the residents as there is no erosion control and there is always a mud slide on Swan Terrace.

Mr. Gray stated that he lives on Cygnet Drive and the proposed turnaround would affect him. Land at the end of the road is very unstable. There is a sewer access in the middle of that area, and the area is full of springs. He requested that the application be deferred in order to find out more about the proposal. They would like to meet with the developers and be shown where the building would be placed, the type of screening proposed, etc. It is not their intent to stop development of this land, but is their intent to have it compatible with existing surroundings. There are other properties they feel would be more suitable for a nursing home.

Mr. Smith asked Mr. Gray if he would be opposed to the nursing home if it were restricted to 80 or 85 beds and were constructed at least 100 ft. off all property lines.

Mr. Gray replied that properly screened, he might not be.

Mr. Knowlton reported that the Planning Division had been working on this criteria in excess of a year at the request of the Board of Supervisors. The report which came out is the result of planning studies all over the County obtained through the American Society of Planning Officials with some background from the American Institute of Planners and a great deal of information acquired through Medicare and Medicaid. The staff recommendation on this application is for deferral to July 8.

Mr. Yeatman moved that the application be deferred to July 22 to give the Planning Commission, Board of Supervisors, and the staff time to come up with new criteria for this use and if it is not ready by that time, to defer action until the information is available. Seconded, Mr. Baker. Carried unanimously.

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June 10, 1969

VIRGINIA ELECTRIC & POWER CO., app. under Sec. 30-7.2.2.1.2 of the Ordinance, to replace existing transmission line with new transmission line and poles, from Hayfield Substation to Alexandria line, along route of existing transmission line, Lee District, Map No. 91-3, 91-1, 92-1, 91-2, 82-3, 82-4, 82-2, 83-1, S-109-69

Mr. Randolph W. Church, Jr., represented the applicant. He pointed out the route of the 500 kv line approved by the Board in the past year. Load requirements in this area have increased dramatically and it is now necessary to bring power into the Jefferson substation in substantially greater quantities than is available through existing facilities, he explained. He introduced Mr. R. W. Carroll, district manager of the Potomac Office of VEPCO. He stated that the load for this area has more than doubled between 1960 and 1965 and will be four times greater in 1970. At the present time, if they lose any one of their transmission facilities this would cause an overload on remaining circuits in this area so that load curtailment would be necessary. They propose to replace the existing 115,000 kv line with a 230,000 kv line on ornamental steel poles. This line will run through 5.19 miles in Fairfax County. This will supply power to sub-stations in Arlington County relieving the pressure on Jefferson Street sub-station. No additional right of way is being acquired.

Mr. McK. Downs, real estate appraiser and broker, gave a report on his findings of the area, concluding that this application is in keeping with the County Ordinance and would be in harmony with the residential character of the neighborhood.

Mrs. Pearson of Wilton Woods asked why this transmission line could not be put underground.

Mr. Smith assured her that he hoped eventually all of this would be put underground but at this point it was not financially feasible for them to do this. What is the width of the right of way, he asked?

Mr. Carroll replied that through the Rose Hill area the right of way on which the present towers are located is approximately 100 ft. but it varies. In Wilton Woods the right of way is approximately 170 ft. in width.

In the application of Virginia Electric and Power Company, application under Section 30-7.2.2.1.2 of the Ordinance, to replace existing transmission line with new transmission line and poles, from Hayfield Substation to Alexandria line, along route of existing transmission line, Lee District, Mr. Yeatman moved that the application be granted in accordance with the testimony given by Mr. Carroll on putting the new poles in as the pictures show, that they will do all the beautification that will be necessary to keep this in its existing form. Mr. Church clarified the proposed poles -- the one in the picture shows only one circuit but these poles will have two circuits. Seconded, Mr. Baker. Carried unanimously.

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HERBERT R. & ANN INGRAM, application under Section 30-6.6 of the Ordinance, to allow addition to remain 5.7 ft. from side property line, 5502 Hinton Street, North Springfield, (R-12.5), Springfield District, Map No. 80-1 ((11)) 25, V-108-69

Mr. Ingram stated that he moved into the house approximately 4½ years ago. He needed space in connection with his job as maintenance engineer, so he built a room and carport onto his house. The property is now for sale and that is what brought about this application. He built it himself and did not know that a permit was necessary. The construction has been inspected by the Building Inspector and final approval will be issued if this variance is approved. He moved here from North Carolina and they did not have the laws that Fairfax County has regarding zoning. All of the neighbors are in favor of the application.

No opposition.

In the application of Herbert R. and Ann Ingram, application under Sec. 30-6.6 of the Ordinance, to allow addition to remain 5.7 ft. from side property line, 5502 Hinton Street, North Springfield, Springfield District, Mr. Baker moved that the application be approved. Seconded, Mr. Yeatman. Carried unanimously.

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JANICE P. SMYTH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, two sessions per day (9:00 to 12:00 and 12:30 to 3:30), ages 2-5 years, 3901 Woodburn Road, (St. Ambrose Church), Annandale District, (RE 0.5), Map No. 59-3 ((1)) 1A, S-111-69

Mr. William L. Smyth represented his wife. This facility was designed for 300 students on a parochial school basis which is not now being utilized and the facilities are more than adequate for this use, Mr. Smyth stated. There is a fenced play yard and the necessary County inspections have been made in connection with this use permit. The Leary School is operating in an adjacent part of the church with 58 students. Maximum number of students for this school would be 40 for each session. This school would have a separate playground and a different age group from the Leary School.

No opposition.

In the application of Janice P. Smyth, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of nursery school, two sessions per day, (9:00 to 12:00 and 12:30 to 3:30) ages 2-5 years, 3901 Woodburn Road, (St. Ambrose Church), Annandale District, maximum number of 40 students at any one time; five days a week, 12 months a year, Mr. Yeatman moved that the application be approved. All other provisions of the

Ordinance pertaining to this application must be met. Seconded, Mr. Barnes. Carried unanimously.

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ANNADALE MARINE & SPORTS CENTER, application under Sec. 30-7.2.10.5.4 of the Ordinance, to permit sales and service of boats and other outdoor recreational equipment, 4316 Markham Street, Annadale District, (C-G), Map No. 71-1 ((1)) 5, S-112-69

Mr. Knowlton called to the Board's attention the presentation made by Mr. Douglas Fahl at their last meeting in connection with the proposed road work in this area. The front portion of this property is occupied by a Shell station fronting on #236, he said, and the proposed application is on a portion of the property not being used. Col. Reginald Myers stated that two years ago they applied for a use permit on this property and it was granted but the use permit expired and now they wish to renew their request.

Mr. Smith questioned the part of the application referring to "other outdoor recreational equipment".

This would include boats, campers and motorcycles, Col. Myers stated. All repairs would be done inside.

They will sell travel trailers up to 26 ft. and truck campers, all vacation units. They hope to sell the pop-up canvas type also. There would be no outdoor display. They might store some outside, but not for display purposes.

Mr. Knowlton told the Board that the County Planning Division, the State, and the consultant for the "701" study in the Annandale area have considered #236 as being one way westbound and a new eastbound connection running generally parallel to it and he suggested that before Col. Myers goes too far with his plans he should consult with the transportation engineer in the Planning Division.

Col. Myers stated that his site plan has been prepared and will be submitted to the County in about two weeks and it does show widening and dedication.

No opposition.

In the application of Annandale Marine & Sports Center, application under Sec. 30-7.2.10.5.4 of the Ordinance, to permit sales and service of boats, motorcycles and campers, the type of campers normally pulled behind autos or on a pickup truck, not exceeding a one ton pickup, but not including sales of pickups, 4316 Markham Street, Annadale District, C-G zoning, Mr. Yeatman moved that the application be approved, and that the applicant dedicate land on Markham Street in accordance with site plan, for widening of Markham Street. All other provisions of the Ordinance shall prevail. Seconded, Mr. Baker. Carried unanimously.

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JOHN P. McENANEY, app. under Sec. 30-6.6 of the Ordinance, to allow construction of dwelling 30 ft. from street property line, 6205 Waterway Dr., Lake Barcroft, Section 11, Par. B-2, Mason District, (R-17), Map No. 61-1 ((11)) B-2, V-113-69

Mr. McEnaney stated that the land has severe topography problems. He made the application for variance to allow him to locate his house on the property trying to avoid the hazards associated with a series of stairs in the home for foot traffic. He took legal title to the property in July of last year.

Were you familiar with the need for a variance at the time of purchase, Mr. Smith asked?

No, Mr. McEnaney replied, but he was familiar with the flood plain problems. There are 4.2 acres of land involved. He is trying to gain access from Waterway, he said, but the topographic situation is extreme. If the home were situated farther back in compliance with the setback requirement of 45 ft. this would be an additional drop of 20 to 25 ft. which would require a series of steps in order to gain access to the home.

Do you plan further construction, Mr. Smith asked?

Initially their plan is to build one home on the property and see what can be done in trying to fix up the river bed. It will depend upon the results of a study as to whether relocation of storm drainage and regrading the property is feasible, Mr. McEnaney said.

Mr. McEnaney said he has discussed the problems with Streets and Drainage. The property has two easements on it, and in building in any of these areas it would require relocation of storm drain easements. The house which he plans to build will be a two story structure with red cedar shake roof, a little less than 60'x30'.

Couldn't the house be moved back farther, Mr. Smith asked?

This would increase the topographic hardship in gaining access to the home, Mr. McEnaney said. The foot traffic would be especially hazardous during icy, winter weather.

How wide is Tripps Run and how close would the house be to the water, Mr. Yeatman asked?

Average width of Tripps Run is 22½ ft., Mr. McEnaney replied, and the house would be about 140 ft. from the Run.

JOHN P. McENANEY Ctd.

Mr. Barnes suggested building on B-11 but Mr. McEnaney said there was the same problem on that lot.

Mrs. Venadelli, a neighbor, stated that she had no objections to the application.

Mr. Bernard Greenfield, 6201 Waterway Drive, Lot 7, spoke in opposition for himself as an individual, for the Lake Barcroft Association, and for other neighbors -- Mr. and Mrs. Williams, 6200 Waterway, Mr. and Mrs. Nordheimer, 6202 Waterway, Mr. and Mrs. Watson, 6206 Waterway, and Mr. and Mrs. Kolvik, 6204 Waterway.

The builder of his home, Mr. Greenfield said, had an option on the land in question and after extensive research he gave up his option because he found it was impossible to build on this land according to the Code. Throughout the area there is this same topographic problem and people have built their homes with steep driveways and steep steps but they have still been able to build within the Code and keep the spirit of community zoning. The applicant in his letter stated that in contrast to having a variance, alternate approaches would be to erect a 3 or 4 story edifice, or fill, so he admits that he does have an alternate means of building. There is not such an unusual hardship here which would warrant any changes in the zoning in this particular area.

Mr. Smith pointed out that this is not a zoning change -- this is a variance from the regulations.

The applicant purchased this land last year and should have known the topographical problems present, Mr. Greenfield stated.

Mr. Barnes asked how long Mr. Greenfield had lived in the area.

Mr. Greenfield answered -- four years.

There are other possibilities for using the lot, Mr. McEnaney agreed, such as putting in retaining walls, which would destroy all the large trees on the property and would interfere with his practical use of the land, or building a three or four story home which he felt would be distasteful. He said he was surprised at the opposition from the Barcroft Association. He has had numerous talks with the engineering manager at Labarca regarding plans to try to improve the silt buildup etc. and not getting building permission in the area he thought would limit his interest in trying to cooperate in improving the siltation problems.

Mr. Smith stated that he could benefit from viewing the property and had not been able to take a look at it before the hearing.

Mr. Yeatman moved to defer to June 24 for decision only in order to allow the Board members an opportunity to view the area.

Seconded, Mr. Baker. Carried unanimously.

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MOBIL OIL COMPANY, application to permit erection of addition to service station, 7633 Little River Turnpike, Annandale District, (C-DM) Map No. 59-4 ((6)) 5-9, S-114-69

Mr. John T. Hazel, Jr. represented the applicant. The Board in 1966 granted a use permit for this station, he said, and the application now before the Board is for permission to construct a third bay. The staff comments refer to a road plan to bring Hummer Road down to connect with Heritage Drive. The state is already in the process of construction back to Annandale Road on the same alignment as it is now and he thought that alone should indicate that the possibility of this coming north to this point is extremely remote. This is a rather nominal addition to an existing facility.

Mr. Knowlton stated that Annandale has recently been restudied and the proposed changes would accomplish two purposes -- 1) the facilitation of an overpass where the two roads intersect with Rt. 236 and once again they are talking about future plans, there is no date set. 2) it moves the intersection of this road further to the east to facilitate movement off and on the Beltway which is a rather serious problem now.

Mr. Hazel pointed out that they were not requesting any change in the signs, and no variances are necessary.

No opposition.

In the application of MOBIL OIL COMPANY, application to permit erection of addition to service station, 7633 Little River Turnpike, Annandale District, Mr. Yeatman moved that the application be approved for a brick addition in harmony with the existing station. No further signs shall be erected. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Since the Board was now ahead of their regularly scheduled agenda they took up non-scheduled items.

Request of Northern Virginia Music Center of Reston to renew their permit of last year, to run June 29 through August 3, 1969, 30 students to be housed in air-conditioned trailers.

Northern Virginia Music Center of Reston - Ctd.

Mr. Yeatman moved that the application be extended for one year as per resolution granting the temporary use on June 11, 1968, to run from June 29 through August 3, 1969. Seconded, Mr. Barnes. Carried unanimously.

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HAMLET SWIM CLUB - Request to construct a 31' x 17' utility shelter in connection with the pool operation.

Mr. Barnes moved that the application be amended to include the 31' x 17' proposed building (utility shelter) meeting all setbacks required by the Ordinance. All other provisions of the original motion of November 20, 1967 shall still pertain. It is understood that this will have to go through site plan. Seconded, Mr. Baker. Carried unanimously.

// DEFERRED CASES

NATIONAL MEMORIAL PARK, INC., app. under Section 30-7.2.3.1.1 of the Ordinance, to permit cemetery use, W. side of Hollywood Rd., 0.3 mi. N. of Lee Highway, Providence District, (R-12.5), Map No. 50-1, ((1)) 16, S-79-69 (deferred from April 29)

Letter from the applicant's attorney requested deferral of the application.

Mr. Baker moved to defer the application to July 8 at the attorney's request. Seconded, Mr. Yeatman. Carried 4-0, Mr. Long not voting.

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The Board agreed to hold one meeting in August -- Friday, August 1, and beginning in September to hold three meetings a month on the second, third and fourth Tuesdays. Also, beginning in September, the number of new cases on each agenda should be limited to six, except in emergencies, and scheduled 30 minutes apart instead of 20 minutes.

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ROLLINS OUTDOOR ADVERTISING, application under Sec. 30-3.13.6 (a) of the Ordinance, to permit erection of outdoor advertising sign, NW side of Lee Highway and Hartland Road, Providence District, (I-L) Map No. 49-2 ((1)) 31, V-80-69 (deferred from April 29)

Mr. Metz presented new plats requested by the Board at their last meeting. Rollins is not the owner of the property, he stated, they are leasing it.

Will this sign be illuminated, Mr. Barnes asked?

Yes, it will be illuminated from the bottom, Mr. Metz replied.

Mr. Ernano, also from Rollins, stated that he had spoken to Mr. Blocher, adjoining property owner, but he had nothing to say other than the letter which he sent to the Board, and he also had spoken to Mr. White who was very sympathetic. They had not been able to contact Mr. Seoane.

Mr. Smith thought there was a State law which would prohibit this type of thing within 500 ft. of a cemetery.

Mr. Knowlton said he did not know whether or not this were true -- if the application is denied it does not make any difference, and if granted, it could be subject to all State and County requirements and the staff could make the necessary search to find the answer to that question before they could issue the permit.

In the application of Rollins Outdoor Advertising, application under Section 30-3.13.6 (a) of the Ordinance, to permit erection of an out-door advertising sign, N.W. side Lee Highway and Hartland Road, Providence District, Mr. Yeatman moved that the application for a 45 ft. variance be denied as he felt the variance was not necessary. Seconded, Mr. Baker. Carried 4-0, Mr. Long abstaining as he did not hear the original presentation.

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HENRY & LILIAN Y. SPIEGELBLATT, app. under Sec. 30-6.6 of the Ordinance, to permit erection of screen porch addition 28.33 ft. from Masonville Dr., Annandale Woods, Sec. 1, Lot 133, 7301 Statecrest Dr., Annandale District, (R-10), Map No. 60-1 ((29)) 133, V-82-69 (deferred from Apr. 29)

Mr. Smith reminded the Board that this application had been deferred for the Board members to view the property.

Mrs. Spiegelblatt reviewed her reasons for putting the porch in this location. To put it on the west side would necessitate removal of the air conditioning units and gas meter and could cover up the two windows in the basement which is her child's playroom, and would make a damp basement. It would also require another entry through the family room which is only 11' x 17' and has three doors plus a fireplace, two closets and one wall unit of book shelves.

Mr. Barnes felt that granting this application would set a precedent and the Board would be flooded with applications from people wanting to do the same thing.

HENRY & LILIAN Y. SPIEGELBLATT - Ctd.

At the last meeting the Board members agreed that the alternate location for the porch was not a good one because of the infringement upon her neighbors, Mrs. Spiegelblatt said. It would overlook the neighbors' dining room in that location.

Mr. Smith felt that the request was a maximum one and not a minimum one that the Board is authorized to grant under the Ordinance.

Mr. Spiegelblatt offered to cut down on the size of the porch.

The lot is irregular shaped and there is a topography problem, Mr. Yeatman pointed out. A porch in this location would not interfere with sight distance, he said. He suggested granting a 10 ft. porch.

That would be fine, Mrs. Spiegelblatt agreed.

In the application of Henry and Lilian Y. Spiegelblatt, application under Section 30-6.6 of the Ordinance, to permit erection of screen* Lot 133, 7301 Statecrest Drive, Annandale District, Mr. Yeatman moved that the application be granted for a porch 10 ft. wide by 24 ft. long, screened porch only, facing on Masonville Drive, at 7301 Statecrest Drive. All other provisions of the Ordinance and the building code shall be met. Seconded, Mr. Baker. Carried unanimously.

* porch addition 28.33 ft. from Masonville Drive, Annandale Woods, Section 1,

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STANFORD E. PARRIS, application under Section 30-6.6 of the Ordinance, to permit waiver of side lot setback, 3520 Highview Place, Mason District (RE 0.5), Map No. 60-2 ((22)) 8A, V-85-69 (deferred from April 29)

This was deferred by the Board on April 29 to allow Board members an opportunity to view the property, for decision only.

In the application of Stanford E. Parris, application under Section 30-6.6 of the Ordinance, to permit waiver of side lot setback, 3520 Highview Place, Mason District, Mr. Yeatman moved that the application be approved to enclose the existing pool which has been there for many years. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried 4-1, Mr. Smith voting against the motion as he felt covering the pool was all right, but he objected to having living quarters this close to a property line.

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ROBERT S. CRITES, application under Sec. 30-6.6 of the Ordinance, to permit erection of carport 23 ft. from Danny's Lane, 3625 Danny's Lane , Sunset Manor, Section 3, Lot 89, Mason District, (R-12.5), Map No. 61-4 ((17)) 89, V-58-69 (deferred from Apr. 29)

The applicant was not present.

In the application of Robert S. Crites, application under Section 30-6.6 of the Ordinance, to permit erection of carport 23 ft. from Danny's Lane, Sunset Manor, Section 3, Lot 89, Mason District, Mr. Baker moved that the application be denied for lack of interest on the part of the applicant. He was notified at the last deferral that if he were not present today, the application would automatically be denied. Seconded, Mr. Yeatman. Carried unanimously.

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The Board requested that copies of the minutes be mailed to each member of the Board for approval.

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Mr. Fred Griffith of the Fairfax County Water Authority stated that they are considering renting property at 11705 Lee Highway for moving their vehicles from the Annandale location. The buildings are already on the property and it is zoned C-G. They hope to make some improvements and are considering putting in a loading dock for loading and unloading pipes, etc. The property will be fenced for security of their materials. The land behind this is zoned residential and is wooded.

The Board concurred that the property could be used as a property yard for the Water Authority as long as they meet the screening and fencing requirements of the Ordinance for plumbing and electrical contractors in a C-G zone.

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LEVITT & SONS - Mr. Knowlton stated that the motion which the Board made in granting the swim club has resulted in a misunderstanding or a mislocation of the fence around the pool.

It was not the Board's intention, Mr. Smith said, to have a 6 ft. fence this close to the road. Intent of the motion was that the fence not come closer than 35 ft.

The confusion was caused by a breakdown in their internal communications, the representative from Levitt & Sons stated. The engineer drew the fence line completely around the property lines and construction proceeded. When they started putting in the fence posts they ran into trouble. Site plan was approved not in conformity with the motion.

LEVITT & SONS - Ctd.

Mr. Smith said he voted against the application originally but he did not think they should be allowed to put a six foot fence on a property line.

Mr. Yeatman suggested reducing the height of the fence on the front to a four foot instead of six foot fence and then the problem would be alleviated.

It would have to be 42 inches on the corner, Mr. Woodson stated.

Then all of the fencing within the required setback area should be reduced to 42 inches in height, Mr. Yeatman said.

Representative from Levitt & Sons stated that they would prefer to set the fence back and put landscaping outside the fence.

Consensus of the Board was to amend the original motion by stating that the intent of the Board's fencing requirements was that the fence be not over 42 inches high in the setback area of 35 ft. adjacent to and contiguous with Point Pleasant Drive.

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OLD FRONTIER TOWN, INC. - The attorney for the applicant was not present. The Board discussed the fact that the operation had opened without paving the parking lot as required by the Board at their 30 day violation notice on the occupancy permit.

The Board instructed Mr. Woodson to send the applicants a letter or show cause why action of April 22 should not be rescinded and appear before the Board on June 24. Seconded, Mr. Baker. Carried unanimously.

They are in violation of the County Noise Code and the Board should affirm its intention here, Mr. Smith said.

Mr. Lainof, Mr. Cohen and Mr. Goodsell arrived. Mr. Goodsell informed the Board that Old Frontier Town, Inc. has been granted a writ of certiorari in this case. When he talked with the County Attorney, he gave them an extension of time until they could come back to the Board to see whether the Board would be inclined to withdraw its previous ruling requiring them to put in bituminous product on the parking area.

Why didn't you come back to the Board previously rather than go to court, Mr. Smith asked? Mr. Woodson has not issued an occupancy permit. The conditions set forth in the motion have not been met so there is no use permit on the property.

Mr. Goodsell said he was not aware that he had to obtain an occupancy permit each year. The reason they went to the County Attorney was that they were in a dilemma and their first reaction was to check the statute out and see about a possible appeal. They went to Mr. Don Stevens and asked about the situation and he said he would not be available that Friday so he suggested leaving this open and gave them an extension of time suggesting that they go back to the Board.

Mr. Lennart Konezcny, Zoning Inspector, stated that he had inspected the property on Memorial Day and spoke to Mr. Feldman who operates or manages the property. He did not hear the train whistle but he did hear the shooting of the pistols. He informed Mr. Feldman that this was against the County Ordinance and ruling of this Board and he indicated that we was not going to stop this no matter what action the County took against him. He was going to operate his business as he saw fit. They were definitely open and operating without an occupancy permit.

Mr. Lainof apologized for the noise from the train whistle when they first opened this season. Mr. Feldman did not know this was not allowed but after he was told, this was stopped. He was also told that there was to be no shooting in the area near the train. They were going to use smaller charges. As for the two-shot treatment for the parking lot, this is really not going to do a thing. If it is not used it is going to deteriorate. They have already put bluestone on property that does not belong to them. They thought the occupancy permit was a continuing thing, and they were just renewing it each year. They are not making any money from the operation, but they run it each year because they feel it is taking the children off the streets. They feel they are providing something which the children need.

Mr. Goodsell said he showed a copy of the motion to Mr. Don Stevens and he, in essence, told them to go ahead and get their license. They knew they would be cited with a violation notice but time was of the essence.

The Board should have been asked to reconsider their action, Mr. Smith said. Mr. Goodsell said he had the impression that this Board would go on further.

They have never been given the opportunity to operate the park as it should be operated, Mr. Lainof said.

Mr. Don Stevens told the Board that he looked at the copy of the motion made by the Board. The motion said that they had a three year special use permit that required them to pave the parking lot for 300 cars. They had filed for a writ of certiorari and a restraining order restraining the Board from interfering with their operations. His opinion was that there was nothing to restrain. When these people operate this and fail to meet the conditions which the BZA has fixed then they are in violation and the Zoning Administrator will issue a violation notice and if they do not comply they have committed

OLD FRONTIER TOWN, INC. - Ctd.

a misdemeanor and appropriate steps would be taken at that time. He told them his views of the law applicable to that piece of paper, the copy of the motion, and he could only go on what the motion said as he had not heard the testimony before the Board

Mr. Smith said he would like an opinion on the occupancy permit running with the use permit. If the use permit expires valid occupancy of this building also expires. If a new use permit is obtained and they meet the conditions of this granting, occupancy permit would be issued.

Mr. Long said he had talked with Mr. Woodson and Mr. Knowlton and they all agree that the surface was graveled several years ago. What is now there is in reasonable condition. Unfortunately now the County requires that dustfree surface be some kind of bituminous or permanent treatment. There is no question but that a bituminous surface deteriorates when it is not being used. This would be a maintenance problem. Three years ago a gravel surface was adequate but today it is not according to county standards.

Mr. Lainof told the Board that if there were any problems with the operation to contact him at his office and he would see that it was corrected.

Mr. Yeatman moved that the Board rescind their action of April 22, 1969 and that the application of Old Frontier Town, Inc., application under Sec. 30-7.2.7 of the Ordinance to permit operation of miniature western frontier town commercial recreational establishment, 12300 Lee Highway, Centreville District, be approved in conformity with plats dated March 26, 1968, dated and initialed by the attorney for the applicant. That all provisions of the granting of June 22,1964 with the exception of parking which has been reduced, shall apply, and if at any time parking is not adequate, the applicant must provide additional parking in order to take care of all users of the establishment. All other provisions of the Ordinance shall be met.The applicant shall not open the park until such time as he has obtained an occupancy permit from the Zoning Administrator and prior to issuing the occupancy permit the Zoning Administrator shall acquire a copy of the lease on the C-G property owned by Mrs. Faircloth, for the record. The facility may remain open thru October 31, 1969. The applicant shall keep the property clean and presentable at all times, no trash and beer cans shall litter the property. Bluestone on the property is adequate for the use. Seconded, Mr. Barnes. The motion was amended to allow the operation thru November 30, 1969. Carried 5-0.

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The meeting adjourned at 5:00 p.m.
By Betty Haines, Clerk

Daniel Smith
Daniel Smith, Chairman

Aug. 1, 1969
Date

June 17, 1969

A special meeting was held by the Board of Zoning Appeals on Tuesday, June 17, 1969 at 10:00 a.m., in the Board Room of the Fairfax County Courthouse. All members were present: Mr. Daniel Smith, Mr. George Barnes, Mr. Richard Long, Mr. Clarence Yeatman, and Mr. Joseph Baker. Mr. Smith, Chairman, presided.

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

KAY BEE ASSOCIATES, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool, bath house and storage rooms for equipment and office and first aid room, N. E. corner of Cedar Lane and Electric Avenue, Tysons Manor, Providence District, (RT-10), Map No. 39-4 ((1)) pt. par. 15, S-121-69

Mr. Jim Brehoney represented the applicant. This is a new townhouse community, he explained, and the pool and bath house facilities are being made available for the new residents only. The facilities will be a part of the homeowners' association. Site plan is now being reviewed by Streets and Drainage.

How wide is Electric Avenue, Mr. Yeatman asked?

It is just now being put in by a builder who is adjacent to this development on the south Mr. Brehoney replied, and there will be access to the pool from Electric Avenue and through an easement to Gallows Road. Electric Avenue will be improved to a 60 ft. right of way and will be a State maintained road. They are just now getting underway with the town houses. The mansard roof bath house will be in keeping with the design of the town houses themselves. The pool will be adjacent to the C-N zone. It is contemplated that an office building will be put adjacent to it on the Fletcher property. On the north is Hazel's shopping center and to the east will be the office building. No parking is required as everyone who belongs to the pool association will live within walking distance. There will be pathways leading to the pool. Total number of homes will be 74. The deed of dedication is on record that this will be turned over to the homeowners' association prior to the first lot being transferred to the first purchaser. Roadways are all part of the common area. They will maintain their own roadways internally.

Mr. Knowlton stated that in a recent rezoning for this piece of property, since this land had no access, part of Electric Avenue was shown as Lot 15A, there was a commitment made at the time of rezoning that a road would be built in connection with the other rezoning rather than this property.

The Highway Department has long range plans for road widening in this area, Mr. Brehoney stated.

Would the proposed road be available at the time the pool is open, Mr. Knowlton asked, since the road is to be constructed by the other developer?

Yes, he is building it now, Mr. Brehoney replied. People will start moving into these houses in September. The pool will be finished but will not be in use until next summer. This plot contains 7.4 acres and there will be two common areas for the use of the people -- picnic grounds, taking advantage of the large trees, and the swimming pool.

Mr. Long was of the opinion that parking spaces should be provided for maintenance people, lifeguards, etc.

There would only be two lifeguards three months a year, Mr. Brehoney said.

The Board members felt that at least three parking spaces should be provided near the pool. Mr. Brehoney agreed that this could be done.

No opposition.

In the application of Kay Bee Associates, application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool, bathhouse and storage rooms for equipment and office and first aid room, N. E. corner of Cedar Lane and Electric Avenue, Tysons Manor, Providence District, Mr. Yeatman moved that the application be granted according to plat presented and that the applicant provide three parking spaces and a six foot fence around the property; that no noise or lights from this operation spill over onto adjacent property, and that all other provisions of the Ordinance pertaining to this application shall be met. There shall be no use of the pool until proper access is available and occupancy permit has been obtained. Seconded, Mr. Baker. Carried 5-0.

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June 17, 1969

HIGHLANDS SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit two regulation tennis courts on Highlands Swim Club property, for use of club members, and application under Section 30-6.6 of the Ordinance, to construct 18 ft. fence for tennis courts 18 ft. from property line, approximately 2,000 ft. north of Rt. 689 (Linway Terrace), (RE-1), Dranesville District, Map No. 31-1, 31-3 ((1)) 4A and 185A, S-122-69 and V-122-69

Mr. Leroy Haugh, Vice President and General Counsel of the Highlands Swim Club, stated that they would like to add two regulation tennis courts to the facilities of the swim club. It was started as a private swim club for 500 families. It is constructed on what used to be County property -- the old Pimmit Run sewage treatment plant. They have at present two pools plus a wading pool, shuffleboard courts and a grass area which they use for badminton and they would like to add tennis courts on the property. This application was originally granted March 1965 for the pool.

What is the access to the pool, Mr. Yeatman asked?

There is a walking entrance on Hardy Drive, Mr. Haugh answered. The only automobile entrance is off Bryan Branch Road coming off Linway Terrace. They have 167 or 168 parking spaces at the present time. There are 148 inside the fence. The others are outside the fenced area but inside the pool property.

Was a site plan approved for the original use, Mr. Smith asked?

Yes, Mr. Haugh replied.

The plats don't show the size of the existing buildings, the pool, distances to property lines, or parking areas, Mr. Smith noted.

They have not constructed any buildings on the property, Mr. Haugh said, they are using the buildings which were there. The easement that was on the property at one time now has been vacated, and the Board of Supervisors gave them clear title to the property.

They feel certain that the addition of tennis courts would be an asset to the property and to the neighborhood, Mr. Haugh continued. What is there now is just weeds, debris, dead trees and dirt. The lot adjacent to theirs is vacant at this time.

Mr. Ferguson, representing property owners adjacent to this, spoke in favor of the application, however, he expressed concern about the screening. The application, if granted, should be with proper screening, he said.

Mr. Haugh described a drop-off on one side of the property and said he felt that the proposed fence would probably be closer to 14 ft. high than 18 ft. Canvas interlacing in the fence would help deaden the sound on the Hardy Drive side and they would provide screening in addition.

In the application of Highlands Swim Club, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit two regulation tennis courts on Highlands Swim Club property for use of club members, and application under Section 30-6.6 of the Ordinance, to construct 18 ft. fence for tennis courts 18 ft. from property line, approximately 2,000 ft. north of Rt. 689 (Linway Terrace), Mr. Yeatman moved that the application be granted and tied to the motion granting the facility on March 9, 1965; that the property be screened on the Hardy Drive side and the fence around the tennis courts be no higher than 14 ft. and interlaced with the proper material to deaden sound on the Hardy Drive side and that all other provisions of the Ordinance be met. The fencing should be of chain link design and evergreen trees should be planted to screen the fence from adjacent residential property. Seconded, Mr. Barnes. Carried unanimously.

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N. T. HIGGINBOTHAM, app. under Sec. 30-6.6 of the Ordinance, to permit house to remain 18.9 ft. from side property line, 12601 Lee Hwy., Crystal Springs, Centreville District, (RE-1), Map No. 55-4 ((2)) 12, V-123-69

Mr. Bryant Higginbotham represented his father, the builder of the house. This was a mistake in measuring the setback, he said, and one corner of the house is in violation of the Ordinance. The mistake was made as a result of the configuration of the lot. It slopes rather sharply compared to the front lot line and in trying to line up the house with the adjacent homes, the rear corner is perhaps 2 or 3 ft. in violation. The house could have been located so there was no violation but this was not discovered until the final building location survey was made. This lot was bought for the purpose of building this house. The subdivision was laid out in 1945 and the lots are very deep. This was his father's first venture in building. The house has been completed and sold and is valued at $35,000. The owners are occupying the house now.

No opposition.

In the application of N. T. Higginbotham, application under Section 30-6.6 of the Ordinance, to permit house to remain 18.9 ft. from side property line, 12601 Lee Highway, Crystal Springs, Centreville District, Mr. Yeatman moved that the application be granted because of the shape of the lot and because he believed this was an honest error and meets the requirements of the variance section of the Ordinance. All inspections should be made before an occupancy permit is granted and occupancy of the house without an occupancy permit should not exceed 30 days. Seconded, Mr. Barnes. Carried unanimously.

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SUN OIL COMPANY, application under Sec. 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed by Ordinance, N. W. corner of Rt. 50 and Downs Drive, Centreville District, (C-G), Map No. 34, ((1)) B-1, A, V-124-69

Mr. L. Lee Bean represented the applicant, along with Mr. George Feiss. The property contains 46,236 sq. ft., Mr. Bean stated, and has been owned by the Southgates for quite a few years. There have been attempts to develop the property, none of which have been successful because of the unique situation of this being a corner lot. Now that development is taking place in the area they feel this would be a good location for a service station. They have tried to place the station on the property in the most desirable place from the standpoint of the public. The land in back of this property is owned by Alvin Dodd and there is a residence upon it now. Mr. Bridges who is in the real estate business in this area is supposed to bring in statements from the people owning property adjacent to this, stating that they are in favor of this development.

There is an 87 ac. tract of C-G zoned land nearby, Mr. Bean continued, but in order to purchase it for development it would be necessary to purchase the entire acreage. The Highway Department took part of this land for road improvements.

Mr. Smith said he could find no certification that the adjacent property owners had been notified. Also he would like to be certain that this has been approved by the Health Department for a septic field, he said.

Mr. Long said he would like to see a provision for adequate screening before deciding this application. This is an extreme variance.

What about the other portion of property shown on the plat, Mr. Yeatman asked? What will be done with that?

It will probably be sold for some other use, Mr. Feiss replied.

Mr. Smith suggested moving the building forward, however, Mr. Bean stated that this would create an undesirable site as far as distance from pump islands, etc. Any forward movement is going to restrict the use of the property.

No opposition.

Mr. Yeatman moved to place this application at the end of the agenda in order for the applicant to notify the rear property owner, and bring in the statement from the Health Department regarding the percolation tests on the property. Seconded, Mr. Baker. Carried unanimously.

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PIXIELAND SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit addition to school for library space, classroom space for special activities and art room, no increase in enrollment, 6349 Lincolnia Road, (RE 0.5), Map No. 72-1 ((1)) 50-A, Mason District, S-117-69

Mr. Anthony Cermele, owner and director of Pixieland School, stated that the purpose of the increase is simply to give them more space in keeping with the type of program they have. The addition would give them a much needed art room and a special tutoring classroom and increase the size of the library. This is tying in with the building which they have now. The top level will be frame construction and the below ground level will be masonry. They are not asking for increased enrollment. The use permit allows them 160 students on the premises at any one time. Both sessions together is less than 300.

No opposition.

In the application of Pixieland School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit addition to school for library space, classroom space for special activities and art room (no increase in enrollment), 6349 Lincolnia Road, Mason District, Mr. Yeatman moved that the application be approved and tied to the granting of April 18, 1967. All other provisions of the Ordinance shall be met. Construction must start within 12 months of the date of this hearing, otherwise approval is no longer valid. Extension of this use is not valid until such time as an occupancy permit has been obtained. This application is granted to the Corporation with Mr. Anthony Cermele as agent. Seconded, Mr. Baker. Carried unanimously.

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FOX-KELLER, INC., application under Section 30-7.2.10.3.8 of the Ordinance, to permit operation of automobile sales agency (new and used cars) 7129 Columbia Pike, Annandale District, (C-D), Map No. 71-1 ((1)) 96B, S-91-69 (deferred from May 13, 1969)

Mr. Richard Keller, Vice President and General Manager of the Corporation, presented the new plats requested by the Board. They are aware of the 50 ft. setback required in front, he said, and have removed the parking from that area. He presented a floor plan of the building. They will install two overhead doors in the back of the building and widen the partition 3 ft. in order to drive a car through. The only modification needed in the front is a walk through door, he said.

FOX-KELLER, INC. - Ctd.

Mr. Douglas Adams represented Mr. Harris of the Harris Plumbing Shop, in opposition. Mr. Harris reluctantly agrees that this is a use that could be placed in this district if proper restrictions were placed upon it, Mr. Adams stated. He had reminded Mr. Harris that service facilities would be entirely enclosed and that no vehicle not in operating condition could be located on the outside of the building and there could be no display in the 50 ft. setback. Mr. Harris indicates that he will go along with this as long as there are certain requirements on the applicant to protect adjoining owners. Lights should be directed on the property, and secondly, the service facilities should be entirely within the building with no major service facilities there at all, only service that is incidental to new and used car sales.

Under the Ordinance, Mr. Smith stated, this refers to incidental accessory uses and does grant the applicant permission to repair the cars which he sells. People will bring them back for service. Under the Ordinance he does have the right to service the vehicles he sells. There might be a car outside the shop with a dead battery and this would not be considered as a car not in operating condition.

Mr. Keller said the parking spaces were not drawn off by the engineer because large parking spaces would be too large for these small cars. They will display cars the best they can for sale -- they will be neatly arranged on the premises. Service cars would be put in the back of the building.

Mr. Smith noted that customers could park in the 50 ft. setback but it could not be used for autos for sale.

How many employees would work here, Mr. Long asked?

There would be three mechanics and cleanup men, one sales manager, two salesmen and one bookkeeper, Mr. Keller replied. The salesmen drive demonstrator cars and they are for sale also.

Mr. Smith stated that 10 parking spaces should be set aside for customer parking. Employees would have to park behind the 50 ft. setback.

After more discussion on parking, Mr. Keller was asked to set up 15 parking spaces meeting the setback requirements.

They could do this, Mr. Keller agreed. This is a secondary location for their business. They will only send their very best cars down there for sale. There will not be a lot of service involved. This is done at the main place of business in Fairfax.

In the application of Fox-Keller, Inc., application under Section 30-7.2.10.3.8 of the Ordinance, to permit operation of automobile sales agency (new and used cars), 7129 Columbia Pike, Annandale District, Mr. Yeatman moved that the application be approved with the following conditions: that the applicant provide 15 parking spaces for customers and employees meeting the setback requirements of the Ordinance, that lights in connection with this operation shall be directed to shine on this facility only and not overflow onto adjacent properties, and servicing of new and used cars will be done inside the building. All other provisions of the Ordinance shall be met, including site plan approval for this application. This action to grant the application is not valid until such time as the applicant has fulfilled site plan requirements and obtained an occupancy permit for the use as indicated. Seconded, Mr. Baker. Carried unanimously.

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DONALD R. CHANDLER, application under Section 30-6.6 of the Ordinance, to allow access road to be approximately 60.2 ft. from center line to existing dwelling, 1027 Swinks Mill Road, Dranesville District, (RE-1), Map No. 21-3 ((1)) 28, V-96-69 (deferred from May 13, 1969)

Mr. Chandler presented his notices to the Board notifying Mr. Ross and Mr. Franklin. He reviewed the presentation made to the Board at the original hearing of the application. This is a right of way going back to what will be his own personal residence, Mr. Chandler said. He cannot build on the outlot as it does not comply with the County ordinance. He has sold the outlot to an adjacent property owner who plans to construct tennis courts and a swimming pool on the property. He has requested an easement across Mr. Chandler's property for construction and maintenance of the pool.

Why can't the man get to the site from his own property, Mr. Smith asked?

Because his property is wooded, Mr. Chandler explained, and he would have to remove large trees to get there.

There is no hardship existing, Mr. Smith said, because this man has access to the outlot from his own property if he wants to construct a pool, without having to cross two other properties to get to it. There is no reason for an easement from Lot 1 to Outlot A.

Mr. Yeatman felt that Mr. Chandler could give the owner of outlot A permission to cross his land during construction of the pool without having to grant an easement across his land.

DONALD R. CHANDLER - Ctd.

Id the access were approved it might be possible that the pool and tennis courts could be sold as a recreation center, Mr. Baker suggested, with a lot of traffic going past Mr. Chandler's home every day.

This Board should not take any action on the outlet easement beyond the applicant's property line, Mr. Smith said.

In the application of Donald R. Chandler, application under Section 30-6.6 of the Ordinance, to allow access road to be approximately 60.2 ft. from center line to existing dwelling, 1027 Swinks Mill Road, Dranesville District, Mr. Yeatman moved that the application be granted and that the outlet road be used by the residents of Lot 1 and their guests only. Seconded, Mr. Long. Carried unanimously.

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LERNER CONSTRUCTION COMPANY, application under Section 30-6.6 of the Ordinance, to maintain an existing temporary model apartment building for an additional six months, 7001 Skyles Way, Springfield Square Apartments, Springfield District, (RM-2G), Map No. 80-1 ((1)) 9 and 80-2 ((1)) 19B, V-97-69 (deferred from May 13, 1969)

Mr. Warton, property manager for the management, represented the applicant asking that the model apartment building be allowed to remain until all of the apartments are rented. The rental office and model apartment are in this building. It is connected to sewer and water and has been inspected by County inspectors. Three people have an office here, five days a week. There are 412 apartments in this project. The building has been here for approximately 13 months.

Mr. Yeatman suggested allowing the applicant six months in which to remove the structure from the site.

Mr. Smith felt it was up to the Zoning Administrator to enforce this or give them a certain time to remove the building. It was constructed in violation of the site plan ordinance and this Board should not endorse it. There is nothing to indicate that this was inspected and approved as to wiring and construction.

The Board instructed Mr. Woodson to see if there was a building permit issued for the building.

Mr. Yeatman moved to defer to June 24 for further information. Seconded, Mr. Baker. Carried unanimously.

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WARREN S. BAUSERMAN, application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of travel campers, W. side of Loisdale Road, south of Franconia Road, (C-G), Map No. 90-2 ((11)) 4, S-69-69 (deferred from May 27, 1969)

The applicant was not present.

In the application of Warren S. Bauserman, application under Section 30-7.2.10.5.4 of the Ordinance, to permit sale of travel campers, west side of Loisdale Road, south of Franconia Road, Mr. Yeatman moved that the application be denied for lack of interest on the part of the applicant. He was notified after the last hearing that if he did not appear today the application would be denied. Seconded, Mr. Baker. Carried unanimously.

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LEWIS, MITCHELL & BIXLER, application under Section 30-6.6 of the Ordinance, to permit waiver of 50 ft. side line setback from 30 ft. right of way, northerly side of Route 7, approximately 400 ft. west of Chain Bridge Road, Dranesville District, (C-G), Map No. 29-3 ((1)) pt. par. 71, V-98-69 (deferred from May 27, 1969)

Mr. John L. Hanson represented the applicant. The property is being purchased for a small office building which would be used primarily by the purchasers for law offices, he said. There is an easement going through the property back to the transmission shop in the rear. They are asking to waive the 50 ft. setback requirement so they can build across the lot. There is a stream along the left side of the lot which presents some problem in building a building of any size there. Adjacent property is zoned C-G and C-OH. If they cannot get the variance they cannot get the 15,000 sq. ft. for the office building which is a requirement of the purchasers. If the variance is granted it will improve the appearance of the area with a good looking office building rather than another service station.

The entire tract could be used for the building and parking, Mr. Smith said.

The entire tract contains 25,279 sq. ft., Mr. Hanson stated, and the narrowest point is 114 ft., less the easement, which would be 15 ft. off of that. This would be a two story building with parking underneath the building.

The building should be redesigned to fit the lot, Mr. Yeatman stated.

The building could be shifted, Mr. Long suggested; the stream will have to be piped anyway.

There would be a problem with footings in that area, Mr. Hanson said. The site plan has been completed and is ready for submission to the County.

Why couldn't the building be moved over closer to the commercial property, Mr. Smith asked, and put parking on the other side?

Mr. Raehn explained that the building's first story will be small and the part of the building above the first story goes all the way over and overhangs the first story in order to provide parking underneath and get the square footage required by the purchasers. The second story will come out to the property line. 53 parking spaces will be provided.

Mr. Richard Hobson represented Mr. Bryant Fletcher, adjoining property owner and operator of the transmission shop in the rear of the subject property. Mr. Fletcher has lived in the County for 20 years, Mr. Hobson stated, and has been in business for eleven years in the auto parts and transmission business in the Tyson's area. Road widening forced him out of his location earlier at Tyson's Corner and he bought this land from Mr. Reynolds. He is opposed to granting the variance sought by the applicants. The applicant is contract owner of the parcel. In the deed which Mr. Fletcher acquired from Mr. Reynolds, the right was reserved by Mr. Reynolds to shift this access road up to 20 ft. and therefore if this property owner owned the whole frontage he could shift the road location up to 20 ft. to the east and give him more room which would at least decrease the variance which he requests, by two-fifths. The position before the Board is that the applicant does not own the entire parcel but this is not a reason for the Board to grant a variance under Section 30-6.6.4.

Mr. Hobson went on to say that Mr. Fletcher opposes the application because this is his only access to his land and as a small businessman he sets way back from the service road and Route 7. He has a sign out on the road, permission for which was given by Mr. Reynolds, but the present owners tell him he will have to take the sign down. He will have no sign on the service road out on Route 7. Sight distance or opportunity for persons passing by to see his establishment or see a sign he could put on his property is very important to him and to his business.

Section 30-6.6.5.3 of the Ordinance, Mr. Hobson quoted, contains the following provisions: "In determining whether the Board shall grant a variance, the Board shall determine what variance in its opinion, is the minimum that will afford relief; in so doing, the Board shall not be confined to the specific content of the appeal. In making such a determination, the Board shall give careful consideration to the relation of the land or building in question to land and buildings in the neighborhood and to the purposes and intent of this chapter, and shall not give favorable consideration to any variance unless it finds that the same is in harmony with such purposes and intent and will not be injurious to the use of land and buildings in the vicinity or to the neighborhood or otherwise be detrimental to the public welfare."

Mr. Hobson submitted that this application, if granted, would be extremely detrimental to Mr. Fletcher to have this building right on the property line. It would block the view of his building from Route 7. Specifically, the applicant in this case has failed to show the burden of any real hardship that is not associated with buying the portion of this parcel.

Mr. Hobson admitted that there were some characteristics of the land which must be taken into consideration but the applicant was going to have to move the building over into the other area and perform engineering work on the ditch and swale through his property on the west. He is entitled to build right up to the property line as there is no setback required on the west. The long building running back from Route 7 is exactly the type of building envisioned by the Ordinance and the type Mr. Fletcher would like to see built there because it would not impede his view from the road.

Mr. Woodson pointed out that Mr. Fletcher could have a 1 1/2 sq. ft. directional sign on Route 7.

He does not own that property and does not have the right to put a sign there, Mr. Hobson told the Board, and he has been told to remove the sign which he has there now. A reasonable building can be built without a variance, and the entire variance requested is beyond the jurisdiction of this Board and does not meet the standards of the Ordinance, Mr. Hobson concluded.

Mr. Hanson, in rebuttal, said that his client had some doubt about whether the access road could be moved over, he says that only Mr. Reynolds could do it.

This is not an unusable piece of property, Mr. Smith pointed out; there is more than 90 ft. of usable width. There could be a building put on the property line next to the commercial side which means a building could be constructed 44 ft. in width without a variance. The applicant is seeking a 50 ft. variance and this request is unreasonable -- the request is a maximum one rather than a minimum one.

Mr. Hanson maintained that the proposed building would not block Mr. Fletcher's view.

In the application of Lewis, Mitchell and Bixler, application under Section 30-6.6 of the Ordinance, to permit waiver of 50 ft. setback from 30 ft. right of way, northerly side of Route 7, approx. 400 ft. W. of Chain Bridge Road, Dranesville District, Mr.

Yeatman moved that the application be denied. The applicant has room on the lot to place a building and denying the application does not deny the reasonable use of the property. The application does not meet the requirements of the Ordinance for granting a variance. The applicant could utilize the property by rearranging the parking and the building on the land without a variance. Seconded, Mr. Baker. Carried 5-0.

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LESLIE D. KAMPSCHROR, application under Section 30-6.6 of the Ordinance, to allow construction of swimming pool 5 ft. from rear and side property lines and 5 ft. from garage, 8305 Beaverdam Court, Annandale District, (R-17) Map No. 70-3 ((7)) 71, V-105-69 (deferred from May 27, 1969)

Mr. Smith reminded the Board that this had been defered from May 27 for word from the School Board since they own the adjacent property in the rear.

Letter from the School Board indicated that they had no objections to the application providing proper protection for the children was provided.

In the application of Leslie D. Kampschror, application under Section 30-6.6 of the Ordinance, to allow construction of swimming pool 5 ft. from rear and side property lines and 5 ft. from garage, 8305 Beaverdam Court, Annandale District, Mr. Yeatman moved that the application be approved. This is an irregular shape lot and there is vacant property in the rear which eventually will belong to the School Board and they have stated that they have no objections providing adequate protection is provided for the school children, and that the applicant construct a 6 ft. chain link fence all the way around the pool to keep the children from climbing the fence and getting into the pool. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried 5-0.

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SUN OIL COMPANY - This case was called earlier in the meeting and placed at the end of the agenda for proof of notification to adjacent property owners.

Mr. Bean returned with a letter from the adjacent property owner to the rear, stating that they have no objections to the application providing the station would be no closer than 15 ft. from the rear property line with customary screening between the station and the property line. Their understanding, Mr. Bean said, was that there would be a stockade type fence with screening between the fence and their property line. They own the entire property adjacent to this land.

The property still has not had percolation tests, Mr. Bean said, but no plans would be approved by the County without suh in any event. He requested that the Board grant a 35 ft. variance.

Mr. Smith objected to setting aside a portion of the tract for future sale to another commercial use. He felt the entire property should be used for the service station as they might wish to expand it in the future.

The Board should have a layout of the site showing proposed screening and location of the septic field, Mr. Long said.

Mr. Yeatman moved to defer to July 22 for this information. Seconded, Mr. Baker. Carried unanimously.

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Mr. Knowlton told the Board that a problem has arisen regarding site plan for Shell Oil Company at Arlington Boulevard and Annandale Road. The motion granting the application states "5 ft. variance", however, in reviewing the plat it was found that an 8 ft. variance would be necessary. The motion also says "granted in accordance with plat submitted".

This was because the Board was unaware that the 8 ft. variance was necessary, Mr. Smith said.

Mr. Yeatman moved to amend the motion to read "granted in accordance with plat submitted, dated February 24, 1969 by Walter L. Phillips". Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed the question of two dentists operating in a town house -- one would live there and have his father come in to help him. Consensus of the Board was that Mr. Woodson point out the conditions in the Ordinance and if they can meet the conditions of Group VI they could make formal application for a use permit.

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June 17, 1969

The Board discussed proposed by-laws and two minor changes were made. The Board will give further consideration and take formal action at the next meeting.

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The meeting adjourned at 4:15 p.m.
By Betty Haines, Clerk

Daniel Smith
Daniel Smith, Chairman

Aug. 1, 1969 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, June 24, 1969 in the Board Room of the Fairfax County Courthouse. All members were present: Mr. Daniel Smith, Chairman, presiding; Mr. Clarence Yeatman, Mr. Joseph Baker, Mr. George Barnes and Mr. Richard Long.

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

CHANTILLY, INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit addition of 3,500 sq. ft. meeting room addition to existing Chantilly Golf and Country Club, 14901 Braddock Road, Centreville District, (RE-1), Map No. 43 ((1)) 14A, S-116-69

Mr. Charles Englehart, architect, representing the applicant, did not have the required notices. The Board placed this application at the end of the agenda to give Mr. Englehart time to get the notices.

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Mr. Knowlton referred to a letter from Mr. A. Fred Dassler of Great Falls, Virginia, asking whether he could obtain a use permit to use the land owned by C. L. Thompson, as a golf driving range. The property is located on Section Sheet 19-1 ((1)) par. 5 and is zoned RE-1.

The problem here, Mr. Knowlton said, is whether or not he can comply with the specific requirements of this group. The section under which he would normally apply requires direct access to a primary highway. For all purposes abandoned Route 7 is a driveway, he said.

Mr. Smith said he felt the applicant might be informed that if he has direct access by way of this road to Route 7 and the road would meet County requirements, it would seem a logical thing for him to make application. He should be aware prior to making the application that he would have to improve the road in connection with this.

The other members concurred.

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CHRYSLER REALTY CORP., app. under Sec. 30-7.2.2.1.6 of the Ordinance, to permit construction and dedication of sanitary sewer pumping station, located at Leesburg Pike and Dulles Access Road, Dranesville District, (I-P and I-L), Map No. 29-1 ((1)) 16, S-118-69

Mr. Norman Paulson represented the applicant.

Mr. Knowlton informed the Board that this is a public facility which must be approved by the Planning Commission under Section 151-456 of the Code of Virginia, and the Planning Commission has scheduled a hearing for July 21. They have asked that the Board of Zoning Appeals defer the application for their recommendation.

If the Board decides to hear the case, Mr. Smith suggested that decision be deferred until the Planning Commission has had an opportunity to hear it.

The facility is necessitated by the utter impractical alternative which would be to go across Dulles Access Road, Mr. Paulson stated. The tentative design of the facility is based upon discussions with the engineer and staff members in Fairfax County and specifically it is geared for 10,000 gallons per day in this industrial area. On the basis of the information which they have, this facility should be in excess of what will ever be pumped there.

Where does the sewer go, Mr. Smith asked?

To Spring Hill Road and Leesburg Pike, Mr. Paulson replied. It would tie in in this location.

Is this a permanent facility, Mr. Barnes asked?

It is permanent, Mr. Paulson said. If the whole municipal system is changed, however, this is something that could be abandoned.

Did the Sanitation Department say they would accept and maintain this after it is built, Mr. Long asked?

Mr. Berlinsky, also representing Chrysler, said he did not know.

Mr. Mark Fried, representing Tyco Investors, stated that about two years ago, on behalf of Tyco, a site plan was submitted for a large office building on approximately 22 acres. A condition of the building permit which was issued for that building was that a sewer lift station be put in for this facility. The proposed office building was only to house 4,500 people. The County was desirous of seeing that this quadrant was developed Industrial and the County also wanted a so-called industrial road built from Route 7 over to Spring Hill Road. Site plan for this road was approved last February and dedication has been approved by every property owner with exception of VEPCO and at a

meeting with Mr. Massey last week they agreed to dedicate so much right of way. He showed a rendering of the proposed building. It will cost $172,000 to build the road, he said. The Board of Supervisors some months ago passed a resolution agreeing to dedicate because some County land was involved. Chrysler agreed to take over the burden of constructing the lift station.

Everyone he has spoken to, Mr. Fried continued, is in favor of the road and the lift station. He felt that getting the use permit would be in order and would be something that is good for the County. The County wants it and certainly the developers and property owners in the area want it.

Mr. Berlinsky, engineer for Chrysler, stated that this would be a two pump system with a standby generator. This has been discussed with the Sanitation Division of the County and plans are in for review now. The whole area is designed for 10,000 gallons per acre, per day. Basically it is designed to pick up all the area that would drain down by storm drainage except that portion that could be cut off by gravity down Spring Hill Road. Chrysler will construct this and at some future date transfer this to the Sanitation Division for their control and operation. It is designed to take care of all the area that would drain down to that culvert under Dulles.

No opposition.

In view of the fact that there is no opposition and the fact that the Planning Commission has not heard this application, Mr. Yeatman moved that decision on the application be deferred to August 1 to get the Planning Commission recommendation -- for decision only. Seconded, Mr. Baker. Carried unanimously.

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JAMES LOIZOU, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit school primarily devoted to giving instruction in musical, dramatic, artistic subjects and the art of dancing, 6723 Whittier Avenue, Bryn Mawr, (R-10), Dranesville District, Map No. 30-2 ((9)) 8 thru 11, S-119-69

Mr. James Morris represented the applicant. The applicant has an interest in teaching the arts and dancing to children, and particularly retarded children, Mr. Morris stated. They are being forced out of their present location and, of course, Mr. Loizou would be very pleased if he could have a new building of his own to go into but that is impossible at the moment. They have signed a contract to purchase this property from the present owners, contingent upon use permit being granted. The present school is located at 6825 Redmond Drive, in the Kaul Building.

These are very narrow streets, Mr. Yeatman commented -- does the applicant propose to dedicate land for future widening of the streets?

Mr. Knowlton told the Board that it is envisioned ultimately that this major artery -- Old Dominion Drive -- would be divided into two parts: one for eastbound traffic and the other part being Whittier Avenue for westbound traffic. They do not know what the precise alignment or width will be but at this time, being a 40 ft. street, it is sub-standard. A 50 ft. road would be the smallest that the County would accept. He would suspect that the requirement would ultimately be 60 or 80 ft. The McLean "701" Study should be adopted shortly so this was left open in the staff report. In other uses in this area granted by the Board land was required for road widening.

Would he be required to dedicate on Emerson Avenue, Mr. Smith asked?

It is not proposed as a collector or anything other than a local street, Mr. Knowlton answered. Under the site plan ordinance certain improvements to the road would be required but no dedication.

How many children would there be in a class, Mr. Smith asked?

The average class has 10 students, Mr. Loizou replied. Sometimes classes would have 10 to 14 students, sometimes 6 to 8. There are about 30 to 35 classes. The studio is open from 10:00 a.m. to 10 p.m.

This is in a commercial area now, Mr. Smith said, but in a residential area this operation should not be allowed after 8:00 p.m. as there are occupied residences on each side of the building.

Mr. Smith asked if the applicant would be able to meet the requirements listed in the Inspections report.

Mr. Loizou stated that he could -- there is adequate room for parking on the property to meet County requirements. There are two teachers and he is the third one.

Mrs. Grubb, 6715 Whittier Avenue, spoke in favor of the application.

No opposition.

JAMES LOIZOU - Ctd.

Mr. Smith reviewed the staff report: "Within one block of this site, this Board has recently granted use permits for a gasoline station, an animal hospital, and a truck rental display lot. The widening of Whittier Avenue will be necessary for the implementation of the McLean '701' plan. The necessary dedication for widening should be a condition of any granting."

Mr. Morris said his client would be willing to dedicate 5 ft. on his side to bring the road up to standards assuming that other people would dedicate on the other side. The McLean Plan has not been adopted yet and they do not know what the requirement will be.

If the plan is approved, Mr. Smith said, the staff doubts that the road would be less than 60 ft.

Mr. Morris said that he would make a commitment that his client would dedicate whatever is required under the McLean "701" plan.

Under site plan, if this is granted, the applicant would also be required to dedicate land for widening of Whittier Avenue, Mr. Smith pointed out.

This applicant is only being asked for dedication of the land, Mr. Yeatman noted, and in some cases the Board has required dedication and construction.

There is a possibility of site plan being waived in this case, Mr. Knowlton said.

In the application of James Loizou, application under Section 30-7.2.6.1.3 of the Ordinance, to permit school primarily devoted to giving instruction in musical, dramatic artistic subjects and the art of dancing, 6723 Whittier Avenue, Bryn Mawr, Mr. Yeatman moved that the application be approved with the following provisions: that they be allowed a maximum of 60 students per day, hours of operation 10:00 a.m. to 8:00 p.m., that they be required to provide 10 off street parking spaces meeting the requirements of the Ordinance, and that there be no noise from this operation to disturb the neighborhood. This is located in the area of the McLean "701" study and the applicant would be required to dedicate for the widening of the streets when the plan is adopted and when the County needs the property. All improvements required by the Building Inspector Health Department, and other County divisions, shall be made. The school cannot operate until an occupancy permit has been obtained. All other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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VETERANS OF FOREIGN WARS POST 8241, INC., app. under Sec. 30-7.2.5.1.4 of the Ordinance, to permit V.F.W. post home and permit variance of setback from property lines, under Section 30-6.6 of the Ordinance, 1051 Spring Hill Road, Dranesville District, (RE-1), Map No. 20-4 ((1)) 71, 72, S-120-69

Mr. Charles Carpenter, Post Commander; Mr. Conrad Marshall, attorney; and Mr. Charles Tabler represented the applicant.

Mr. Marshall stated that the V.F.W. has been for a considerable time searching for a place to locate their post home. They were before the Board previously in a site in McLean and in view of the opposition they felt it best to withdraw that application and look for another location.

Mr. Smith noted a letter from the Planning Commission requesting deferral of the application in order to give them a chance to hear it and make a recommendation. He suggested that the Board hear the application and defer the decision.

Mr. Marshall reviewed the position of the V.F.W. They are now located at 6813 Elm Street in McLean and have been there for three and a half years. They have a small facility, 20'x20' which costs them $190 a month. The parcel in question today is located at the intersection of Old Dominion Drive and Spring Hill Road. The land immediately adjacent is zoned commercial and is occupied by Cousins Plumbing. A 7-Eleven Store and Kempton Realty are across the street. There is also another store and a proposed gas station site and directly across the street is proposed commercial zoning for a shopping center. The distance between the house on this property and the residence owned by the Zimmermans is approximately 1,000 ft. with shrubs and trees between the two properties.

They have prepared a proposed amendment to the Zoning Ordinance, Mr. Marshall continued, to reduce the setback requirements for such groups as V.F.W. and American Legion and other fraternal groups -- that has not yet been set for hearing. Mr. Babson said they have been presented to the staff. They propose another amendment to see that cost be a factor in the site they choose. They have looked for a location and again, the opposition is strong. People have a fear that a post home will adversely affect their land use. It was his feeling, Mr. Marshall continued, that a post home in this location would provide a buffer zone for the people and stop the growth of the commercial zone in that area. Directly across the street is a junk yard which is very unsightly.

There are 117 members who are active -- about 20% of them are active at a time, Mr. Marshall said.

Mr. Marshall stated that the house has been inspected by County inspectors who said that a bath room would have to be added and that the second floor could not be used for the post home. It is on septic at this time and has been approved for use by present members. Anticipated growth would have to use the future sewer lines coming through. They have an easement on one side of the property allowing them to place a driveway immediately adjacent to the commercial property.

The rear portion of the property would be cleared out for a park area and would be used for picnic grounds with swings for the children. They would make the necessary improvements to the building and clean and paint it, with a flag pole out front.

Do they plan to eventually construct a new building on this property, Mr. Long inquired?

Someday, Mr. Carpenter said, but in the meantime, they will have to use the existing building for three or four years.

Mr. Tabler said he hoped the Board would vote on this today so they can get started - the contract on the property expires July 21.

Mrs. Grace Kempton, realtor, spoke in favor of the application.

Opposition: Mr. Warren Zimmerman, adjacent property owner, spoke in opposition, and presented a letter from Mr. Ralph Smith, McLean Hamlet Planning Committee, in opposition.

Mr. Smith said he hoped that Mr. Zimmerman's comments would be more specific than those of Mr. Smith who lives 3/4 of a mile away and objects to the use in general. The Board must act in accord with the present ordinance and he said he did not think any citizen of the County should direct derogatory remarks to any organization. The general membership of any veterans organization or civic group in the County is far superior to what this letter indicates, he said.

Mr. Zimmerman stated that he purchased his land four years ago because it was one of the most attractive residential areas he could find. In the Master Plan this was primarily a residential area. He felt that the application, if granted, would change the character of the home and he said he would rather see the property used for low income Negro housing. He also feared that there would be an appreciable difference in the noise level in the area and traffic on Spring Hill Road, which is very narrow, and on which there are a lot of children.

The volume of traffic on this road is going to be increased in the future in any event, whether the V.F.W. goes here or not, Mr. Smith said, and as to the objection regarding noise, he asked if anyone knew of any specific instance where there had been a lot of noise from such an operation.

Mr. Zimmerman said he did not know of any instance where this had occurred but they are located in a commercial zone at the present time and this would make a difference. He has 5 1/2 ac. with his residence and he hoped the area would remain as it is now.

Capt. Zebb Alban spoke in opposition. His home is approximately 1/4 mile from the proposed location, he said. He is not opposed to the organization, but if this application is granted, he felt it would be like letting the camel get his head in the tent and pretty soon the whole camel gets inside. The area is zoned for one acre residential lots. His property contains five acres. His daughters go riding on the road and if this use is allowed, the traffic will be greater.

Mr. Knowlton reported that careful review of the Master Plan would show slightly more commercial than now exists. Neither the Planning Commission nor the Board have heard either of these pending zoning applications. This intersection serves a large area with no other commercial facilities and there might be some justification for it.

What are future plans for widening of Spring Hill Road, Mr. Smith asked?

Mr. Knowlton said he did not know.

Mr. Peter Wood, renting property at 1121 Spring Hill Road, said he was making arrangements to buy the property. He echoed the two previous objections to the application. The junk yard has been referred to as an eyesore, he said, but it is not visible on Spring Hill Road when the leaves are out, and a junk yard does not make noise or increase traffic. As a result of the V.F.W. post home there will be an increased number of human bodies in the area, and increased traffic flow. He has six children who ride horses and bicycles in the area and increased traffic would increase the hazards that already exist. Although permitted by the County ordinance, he would oppose a V.F.W. post home being put in any residential area.

Mr. Thomas Cox, President of Woodside Citizens Association, represented 155 families living in Woodside Estates near the Spring Hill property in question, one to two miles from the site. Their opposition was based on the following: the application would be out of keeping with the area, would increase traffic, and this type of use should not be allowed in a residential area.

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V.F.W. #8241, INC. - Ctd.

Mrs. Corrinne Zimmerman stated that the Ordinance requires that a special use permit be issued before they can locate in a residential zone and if the neighbors object to it, then it would seem reasonable that the use permit not be allowed. She discussed noise and traffic that might result if the permit is granted.

Mrs. Lester Cook also spoke in opposition.

If this is a use that is not compatible with a residential area, then the Ordinance should be changed, Mr. Smith said.

Mr. Matthews described the present location of the V.F.W. and said there have been no complaints to the police. They are a very civic minded organization and would not be a detriment to the area.

Mr. Smith noted the Planning Commission recommendation for deferral.

Mr. Yeatman moved to defer to July 22 in order to get a recommendation from the Planning Commission. Seconded, Mr. Baker. Carried unanimously.

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WOODLAKE TOWERS, INC., application under Sec. 30-2.2.2, Schedule of Regulations, Col. 2 of the Ordinance, to permit all commercial facilities listed in Column 2 for RM-2 districts, 6001 Arlington Boulevard, Mason District, (RM-2M), Map No. 51-4 ((1)) pt. 14, S-125-69

Letter from the applicant's attorney requested deferral. Mr. Yeatman moved to defer to August 1. Seconded, Mr. Barnes. Carried unanimously.

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TURKEY RUN ESTATES, INC., app. under Sec. 30-6.6 of the Ordinance, to permit dwelling under construction 29' 6" from Hepplewhite Court, Annandale District, (Truro, Section 3), located S. E. corner of Wakefield Drive and Hepplewhite Court, (R-17 cluster), Map No. 70-1 ((12)) 30, V-127-69

Mr. Allan Gasner, President of Turkey Run Estates, stated that there are no occupied houses contiguous to this house. There was a change of house type and the superintendent of construction attempted to use the stakeout for the house that was originally planned. The house location survey indicates that on the right side of the house it is too close to the property line.

No opposition.

In the application of Turkey Run Estates, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 29' 6" from Hepplewhite Court, Annandale District, Truro, Section 3, located at the Southeast corner of Wakefield Drive and Hepplewhite Court (R-17 cluster), Mr. Yeatman moved that the application be granted as this appears to be an honest error resulting from the irregular shaped lot and there is a triple frontage on this lot. It does not appear that sight distance on the corner would be affected. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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SEVEN CORNERS MEDICAL BUILDING, INC., application under Section 30-6.6 of the Ordinance, to permit erection of office building on side property line, W. side of Sleepy Hollow Road, approximately 350 ft. south of intersection with Route 50 and Route 7, Mason District, (C-0) Map No. 51-3 ((1)) 9 & 9A, V-128-69

Mr. John T. Hazel, Jr. represented the applicant. This is the site of the existing Seven Corners Medical Building which has been the subject of a good deal of discussion in the past six or eight months as a result of a rezoning application for a nine story office building to be utilized by the telephone company, he said. The office building was to be located on the southern two-thirds of the site which was then zoned R-12.5 and the zoning was denied by the Board earlier this year. The staff recommended favorably for the nine story building but the application met with a different fate at the Planning Commission and Board of Supervisors hearings. The telephone company is anxious to occupy a building on this site. There is a parcel in excess of one acre adjacent to and owned by the Seven Corners Medical Building zoned in the C-0 category. There is litigation pending on the parcel that was denied and it is still zoned R-12.5. In the C-0 zone they could build a four story building adjacent to the property line with no setback. The proposal is to build a four story building on that part between the property line and the six story setback and building a six story building in the center of the tract. That would have a stepped up effect. They looked into that with some care and it seemed like a rude device to come within the technical part of the Ordinance and might engender more difficulty than it might resolve. In view of the ridge line sanctity, he felt they could come up with a five story building that would serve the purposes of the telephone company and allow the site to be utilized and which would

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SEVEN CORNERS MEDICAL BUILDING, INC. - Ctd.

not require a six or seven story building under the existing zoning on the site. Everyone's interests could be preserved with a five story structure. They could build a four story building along the line without any need for a variance but going to five stories they would need a variance for a portion of the building. The site with the two buildings would require 338 parking spaces. The proposal is to locate 250 spaces in sub-basements under the telephone building with 112 parking spaces on the surface. The Planning Commission recommended that the two buildings be tied together so that there not be any subdivision of the site which would cut one off of the other.

The surface parking will take care of the existing building but the sale of the building is not desired and it is perfectly agreeable to them to tie the two buildings together, Mr. Hazel continued.

Mr. Yeatman asked if traffic from this building would be funneled out onto Sleepy Hollow Road -- Mr. Hazel replied that it would not.

They are willing to go along with the staff recommendation that there be no windows in the side of the building that would be on the property line, Mr. Hazel said. If there were windows this would prohibit the adjoining property owner from doing the same thing. The telephone company would occupy the latter part of 1970. This would be general offices for Northern Virginia.

Mr. James Dunn from the telephone company stated that this was not intended to be a switching station or maintenance building. It would be strictly for administrative office use. Traffic from the building would feed directly onto the service drive out onto Arlington Boulevard. There is a problem with the Highway Department which is in the process of discussion at this time.

Mr. Mayne, architect, stated that the Highway Department had requested that they move the road down hill and eliminate a traffic problem at the intersection and make the service drive from there back down to Aspen Lane two-way.

Opposition: Mr. Stenoback appeared in opposition and stated that there appeared to be many unanswered questions which should be answered before a decision is made. The height, apparently from their standpoint, now is a vast improvement, and one which he believed was no longer a problem. They are still concerned, however, about what effect this building will have on the residential property adjoining. As to the new tax revenue to the County, this is not a new tax -- this is a consolidation of existing facilities where taxes are being paid.

Taxes are not relevant to the application, Mr. Smith stated.

Mr. Stenoback feared that today's action, if the application is granted, might be used to justify something on the adjoining residential property. They have never opposed an office building there, he said, but they would object to a 90 ft. tower. What was proposed before was totally unacceptable. He discussed the traffic situation on Sleepy Hollow Road.

Apparently that road was provided by the developers of this particular site so that should have some bearing on this application, Mr. Smith said. The question is whether this use is a reasonable one and would be compatible with the existing buildings.

Could the adjoining commercial property owner do the same thing, someone in the audience asked?

He could build a building with no windows next to his property line, Mr. Smith answered -- this is a C-G zone.

It seemed that a building could be put on the property without a variance, Mr. Stenoback stated.

Yes, they could construct a higher building, Mr. Smith said, but the citizens don't want this and they are trying to work out a compromise.

Mr. Hazel said they could go six or seven stories high without a variance and meet the setbacks but there were two problems -- it would require a whole redesign, and if they meet the requirements they end up with a gerrymandered building which is not properly sited and it makes more sense to do it this way. The higher building would have more of an impact on the area than the variance would.

This is not an encroachment into the residential area, Mr. Smith noted, the variance is being sought on the C-G side.

Mr. Stenoback was concerned about proper parking for the buildings. The original parking was designed for the use of the building not including the basement and this is now being used, he said.

Mr. Hazel said he did not know this to be a fact.

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Mr. Mayne told the Board that the site plan had been amended and additional spaces were provided for this use. 112 parking spaces for the Medical Arts Building includes the use of the basement, and with the new building they will be required to have 338 parking spaces.

In the application of Seven Corners Medical Building, Inc., application under Section 30-6.6 of the Ordinance, to permit erection of office building on side property line, west side of Sleepy Hollow Road, approximately 350 ft. south of intersection with Route 50 and Route 7, Mason District, Mr. Yeatman moved that the application be granted and the applicant be allowed to build on the line near theC-G property controlled by Wissinger; that they provide underground parking and that they have a total of 360 parking spaces to take care of the existing Medical Arts Building and the telephone building, and the attorney for the applicant certifies that this will be occupied by the telephone company. Main traffic flow from the property should exit onto the service drive on Route 50 for both buildings, however, since Sleepy Hollow Road is a public road, access to that road cannot be denied the applicant. The two buildings, the Medical Arts and the telephone building, would be tied together by this variance and site plan will cover both buildings. They could not sell the old Medical Arts building without providing the parking for that. All other provisions of the Ordinance pertaining to this application shall be met. No occupancy of this building shall take place until an occupancy permit has been obtained. Granted in accord with plat submitted and there will be no windows in the side of the building next to Wissinger. Seconded, Mr. Baker. Carried unanimously.

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WALTER R. DICKSON, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, 8753 Richmond Highway, Mount Vernon District, (C-G), Map No. 109 ((2)) 7A & 8, S-66-69, (deferred from May 13)

Mr. Long refrained from participating in the discussion since he prepared the plats for the applicant.

Mr. Warren Davis represented the applicant who was also present.

With reference to point #1 in the staff report, Mr. Davis said this would be compatible with commercial development in the area. His client plans to remove the buildings now existing on the property and the staff was not aware of this when they wrote the staff report. The applicant has a new car franchise to Sunbeam Sports Cars and it would be his intention, if possible, to develop this property eventually as a new car lot, but in all fairness to all concerned, he would not commit himself to say it would be a new car sales lot. He intends to put the new building there but whether or not it is to be used as new car sales or new car sales in conjunction with used cars, or for used cars alone, he did not know for certain. The car lot has been in operation and the violation was noted by the County inspectors. His client took over a used car operation without checking with the proper authorities and he has operated there for about 1 1/2 years.

They went before the Planning Commission, Mr. Davis continued, and received unanimous approval of the application for use permit, however, it was conditioned upon one very important aspect and that was that they would come in for renewal for a period of one year and if they did not comply with the different aspects, the use permit would not be renewed. They plan to ask for a waiver of some of the site plan requirements.

Mr. Knowlton reported that there are thirteen used car lots in the Mount Vernon District, however, if this is to be a new car lot, it would meet the requirements of the plan.

Has any provision been made for widening of Route 1, Mr. Baker asked?

The building will be set back far enough to allow for widening, Mr. Davis stated.

No opposition.

In the application of Walter R. Dickson, application under Section 30-7.2.10.5.4 of the Ordinance, to permit operation of used car lot, 8753 Richmond Highway, Mount Vernon District, Mr. Yeatman moved that the application be granted with the following provisions: Mr. Dickson stated that he probably would have a new car show room on this property for sunbeam autos. He submitted a plat dated 3-16-69 showing the operation of his car servicing, show room, parts department, body shop, painting, mechanical area, etc. He will be required to dedicate land for widening of U.S.#1 and this application will be granted for one year with renewal if the operation meets the Board's criteria. All other provisions of the Ordinance pertaining to this operation shall be met. He will not be allowed to operate until he has obtained an occupancy permit. Use permit does not give him the privilege of selling cars or operating until he gets an occupancy permit. Under site plan, screening would not be waived adjacent to the residential properties. There would be screening in conformity with County standards adjacent to the residential land. Mr. Dickson initialed the plat showing the building that would be built on the property. Seconded, Mr. Baker. Carried 4-0, Mr. Long abstaining because his firm drew the plats for this case.

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JOHN P. McENANY, application under Section 30-6.6 of the Ordinance, to allow construction of dwelling 30 ft. from street property line, 6205 Waterway Dr., Lake Barcroft, Section 11, Par. B-2, Mason District, (R-17), Map 61-1 ((11)) B-2, V-113-69 (deferred from June 10)

Mr. Knowlton read the staff report: "The staff has reviewed the subject application. In connection with the preliminary subdivision plat of the resubdivision of parcel B-2, Section 11, Lake Barcroft, this plat was used because it contained 2 ft. interval contour of the subject property submitted and certified to by the firm of Merlin F. McLaughlin, certified surveyor, Annandale, Virginia. It was found that the elevations of Waterway Drive in front of the subject house is at an average of 258 ft. The house, if set back to the 45 ft. required setback line would have a front on an average elevation of 240 ft., or 18 ft. below the grade of the road. A variance to allow setback to only 30 ft. from the front property line would allow the house to be placed only 10 ft. below the road at a front elevation of 248 ft. For the sake of information, at the 30 ft. setback the rear of the house would be at an elevation of 229 ft.; at the 45 ft. setback the rear of the house would be at 226 ft.

The grade from street level to the house at a 30 ft. setback would be a 33 1/3 per cent grade, or 10 ft. of drop in 30 ft. The grade at the 45 ft. setback line would be 40 per cent or 18 ft. drop in 45 ft.

In reviewing the plat submitted with the application the staff finds that it would be practically impossible for additional houses to be constructed on this piece of property without additional variances. To the west of the subject house is insufficient land to meet the lot area requirements of the district and to the east the land becomes so narrow between the street and the lot line at the rear that variances would be necessary from setback in order to utilize this for additional sites.

On October 26, 1962 a preliminary subdivision plat of the subject property was approved showing five lots from the existing parcel B-2. There was no final approval of this plat and no building has taken place since the flood plain easement across the parcel was adopted for Tripps Run by the Board of Supervisors.

The staff believes that the application is in line with good engineering practice, that it would minimize greatly the degree of slope from the street to the front of the proposed house, making access to the house more feasible, and at the same time not be a detrimental influence to adjoining property which would be removed from the proposed house by a minimum of 100 ft."

Mr. Bernard Greenfield and Dr. and Mrs. Williams, neighbors, appeared in opposition although the public hearing was officially completed.

Dr. Williams presented a letter stating his reasons for opposition (on file with the records of this case). The applicant has indicated that he intends to build five houses on this property, Dr. Williams told the Board -- he does not come as a neighbor, he comes as a speculator.

If this is true, the Board should defer action until they get all the information, Mr. Smith said.

Mr. McEnany said he was in no position at this time to say whether he would or would not subdivide -- this has to await evaluation or analysis of a lot of data which has been collected in conjunction with this property.

It was his impression, Mr. Smith said, that there was only one house planned for the property. Perhaps the application is premature.

Mr. Yeatman moved to defer for six months to give the applicant a chance to regroup his thoughts and submit a plan for the property for the Board to consider. The Clerk will notify him when this is placed on the agenda, and will also notify Mr. Greenfield and Dr. Williams.

Would you allow the motion to be amended to require a grading plan for one house, Mr. Long asked?

Messrs. Yeatman and Baker accepted. Carried unanimously.

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CHANTILLY, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit addition of 3,500 sq. ft. meeting room to existing Chantilly Golf and Country Club, 14901 Braddock Road, Centreville District, (RE-1), Map No. 43 ((1)) 14A, S-116-69

Mr. Englehart returned with his notices. They have a use permit for the existing operation, he said, and what they would like to do is enclose the patio and amend the use permit with this addition.

No opposition.

The Board should havea plat showing all existing improvements on this tract in connection with the use permit, Mr. Smith said. Mr. Englehart said he would be glad to provide this for the Board.

In the application of Chantilly, Inc., application under Section 30-7.2.6.1.1 of the Ordinance, to permit addition of 3,500 sq. ft., meeting room addition to existing Chantilly Golf and Country Club, 14901 Braddock Road, Centreville District, Mr. Yeatman moved that the application be approved as stated, and that it be made a part of the use permit that was granted on April 14, 1959. Seconded, Mr. Baker. Carried unanimously.

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LERNER CONSTRUCTION CO.' application under Sec. 30-6.6 of the Ordinance, to maintain existing temporary model apartment building for an additional six months, 7001 Skyles Way, Springfield Square Apartments, Springfield District, (deferred from June 17, 1969)

Mr. Smith said he did not feel the Board had authority to grant permission for this to remain as they did not give permission to locate the building there and there was no building permit issued.

Mr. Yeatman suggested giving them six months to remove the building from the property.

The building was inspected, Mr. Long said, and approved, and is not endangering anyone. Why not allow it to remain as requested?

How can the Board grant it, Mr. Smith asked? The Board should make a decision now denying the application and the Zoning Administrator can take whatever action he deems appropriate for removal of the building.

In the application of Lerner Construction Company, application under Section 30-6.6 of the Ordinance, to maintain an existing temporary model apartment building for an additional six months, 7001 Skyles Way, Springfield Square Apartments, Springfield District, Mr. Yeatman moved that the application be denied as there is no use permit or variance on the building now and it was not included in site plan. There is no indication that there is a building permit on this particular structure. Seconded, Mr. Baker. Carried unanimously.

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PRINCE OF PEACE LUTHERAN CHURCH - Request to operate a school in existing church - Since the original use permit was granted to Mrs. McConnell and Accotink Academy, along with Prince of Peace Lutheran Church, the Board members agreed that the church could operate the school as long as they present a letter from Mrs. McConnell asking that the name of Accotink Academy be dropped from the use permit.

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The Board of Zoning Appeals by-laws were adopted by unanimous vote, as follows:

"BY-LAWS
BOARD OF ZONING APPEALS
FAIRFAX COUNTY, VIRGINIA

ARTICLE I. MEMBERSHIP

The Board shall consist of five members appointed in accordance with Article VIII, Section 15.1-491 of the Code of the Commonwealth of Virginia.

ARTICLE II. OFFICERS

1. The Board shall elect a Chairman, Vice-Chairman, and a Clerk annually at their first meeting of each calendar year.

2. The Chairman shall preside at all meetings and hearings of the Board at which he is present. He shall decide all points of order or procedure and shall appoint any committees that may be found necessary.

3. The Vice-Chairman shall assume the duties of the Chairman in his absence.

4. The Clerk, who shall be appointed from the staff of the Division of Land Use Administration, shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; shall keep the minutes of the Board's proceedings; and shall keep a file on each case which comes before the Board.

ARTICLE III. MEETINGS.

1. A regular meeting of the Board of Zoning Appeals for the hearing of cases shall be held on the second, third and fourth Tuesdays of each month, beginning at 10:00 a.m. unless no

cases are pending, in which case no meeting shall be held. All regular meetings shall be open to the public.

2. Special meetings may be called by the Chairman provided at least five (5) days notice of such hearing is given each member in writing.

3. A quorum shall consist of three members or a simple majority of the Board. The concurring vote of three members (a majority of the membership) shall be required to effect any action.

4. The order of business at all regular meetings of the Board shall be as follows:

   a. Call to order.
   b. Invocation.
   c. Reading and approval of minutes of previous meetings.
   d. Business of the members of the Board.
   e. The hearing of applications not previously presented to the Board.
   f. The hearing of applications deferred from previous meetings.
   g. Staff presentations to the Board.
   h. Unscheduled items.
   i. Adjournment.

5. The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set and no further public notice shall be necessary for such a meeting. Such adjournment shall be mandatory ten hours after the start of a meeting.

ARTICLE IV. DUTIES

It shall be the duty of the Board of Zoning Appeals in accord with the provisions of Article VIII, Section 15.1-495 of the Code of Virginia to hear and decide cases involving the following:

a. Variances in the strict application of the requirements of the Zoning Ordinance, (Chapter 30 of the Code of Fairfax County, Virginia).

b. Special use permits in accordance with provisions of the Zoning Ordinance.

c. Appeals from the decision of the Director of the Department of County Development or any of his authorized agents related to interpretation of the Zoning Ordinance.

d. Determination of the location of zone boundary lines when such lines are in dispute.

ARTICLE V. APPLICATIONS TO THE BOARD

1. Applications for special use permits shall be filed in duplicate on Form LUA-10 supplied by the Division of Land Use Administration.

2. All other applications to the Board, except for use permits, shall be made in duplicate on application Form LUA-11 supplied by the Division of Land Use Administration.

3. All applications shall be accompanied by the following information:

   a. Four copies of a plat certified by a professional engineer or land surveyor licensed by the Commonwealth of Virginia and containing the following information:

      1) Bearings and distances on all property lines.

      2) Total area of property in square feet or acres.

      3) Location of all existing buildings or structures and any proposed additions, including their dimensions.

      4) Front, side and rear setback dimensions.

5) Ingress and egress from the highway or street.

6) Location, on the property, of parking adequate for the use.

7) Location of well and/or septic field when public facilities are not available.

8) Name and certificate number of person preparing the plat.

b. One Zoning Section Sheet showing the location of the property outlined in red. (These sheets may be obtained from the County.)

c. Photographs of the property showing the existing structures, terrain and vegetation.

d. A filing fee to be determined by the governing body. ($50.00 for special use permit; $30.00 for all other applications except gravel pit operations which shall be $250.00)

e. One copy of a statement of justification setting forth the reasons why the application should be granted.

ARTICLE VI. PROCESSING OF APPLICATIONS.

1. All applications will be received by the Division of Land Use Administration, Department of County Development, and shall be set for public hearing in the order in which they are received.

2. The Clerk of the Board shall notify the applicants in writing of the date, time and place of the public hearing scheduled.

3. The Clerk shall in accordance with the provisions of Section 15.1-431 of the Code of the Commonwealth of Virginia cause to be advertised in a newspaper of general circulation in the area of the application the required legal published notice of the application.

4. The applicant shall be responsible for fulfilling the requirements of that sub-section as pertains to notice to abutting and other property owners. This notice may be by signed petition or by registered or certified mail with return receipts signed by the recipient.

5. The staff of the Division of Land Use Administration shall compile all pertinent information and supply same with their comments to the Board at the scheduled time and place of its public hearing.

ARTICLE VII. THE HEARING.

1. At the time of the public hearing the applicant may appear in his own behalf or be represented by counsel or agent. (At that time the applicant shall be given fifteen minutes in which time to present to the Board his case.)

2. Those persons appearing in opposition to the application may then present their argument. (There shall be a total period for all opposition not to exceed twenty minutes of presentation.)

3. The staff may make comments or presentations relative to the case.

4. The applicant shall be permitted rebuttal after all other public discussion. (Such rebuttal shall not exceed five minutes in duration.)

5. The Board at this time may discuss the case and take whatever action is deemed applicable to grant, deny, grant in part, condition, or defer the application.

6. The Clerk of the Board shall within five days of the action of the Board of Zoning Appeals forward to the applicant a rough draft of the decision of the Board. Final minutes will be available for review following approval by the Board in the Division of Land Use Administration.

ARTICLE VIII. RECORDS

1. A file of all material and decisions relating to each case shall be kept by the Clerk as part of the records of the Board of Zoning Appeals.

2. All records of the Board shall be public records.

ARTICLE IX. AMENDMENTS.

These by-laws, adopted by the unanimous action of the Board, may be amended by an affirmative vote of not less than four members.

These by-laws have been adopted by the Board of Zoning Appeals, all members thereof present, on this the 24th day of June, 1969.

(S) Daniel Smith, Chairman
Betty Ann Haines, Clerk"

The meeting adjourned at 4:45 p.m.
By: Betty Haines, Clerk

Daniel Smith Chairman
Aug. 6, 1969 Date

A regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 8, 1969 in the Board Room of the Fairfax County Courthouse. All members were present: Mr. Daniel Smith, Chairman, presiding; Mr. George Barnes, Clarence Yeatman, Joseph Baker and Richard Long.

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

HUMBLE OIL & REFINING COMPANY, application under Section 30-7.2.10.1 of the Ordinance, to permit erection and operation of service station, part Lots 16, 17; & 19, Indian Springs, 5312 Mitchell Street, Springfield District, (C-N), Map No. 71-4 ((7)) & 80-2 ((3)) pt. 16, 17, 19, S-126-69

Mr. Hansbarger represented the applicant. Humble has been contract purchaser of this property since 1965, he said. When the Board of Supervisors finally rezoned this land in March 1969 it was represented to them at that time and has been throughout over a period of more than three years, that this would be a Humble service station. He stated before the Board of Supervisors, he said, that this was in his experience one of the best locations he had run across for a service station. When they started on this project, Edsall Road had not been widened to the four lane facility that it is now, and the traffic signals were not in. Edsall Road was some distance from this property but during widening, not only did they move Edsall Road, but they took a portion of it and moved the right of way of the road within 6 or 7 ft. of the Weinleys' house and as a result of that it sits right out on the highway at the intersection of heavily travelled Edsall Road and secondary Mitchell Street.

The proposed station will be ranch style brick, Mr. Hansbarger continued, and under the definition of service station, they would not be allowed to do heavy repairs on the property, none of the offensive things that used to be allowed in service stations. Across the street from this site is the office of Virginia Concrete. The noise from the trucks stopping and starting in front of this property makes it totally uninhabitable as residential property. There is another piece of C-N property about 50 ft. in depth which is adjacent to this, but which is not a part of this application. It started out as a part but the gentleman who owned it went into bankruptcy and efforts to acquire it are now underway.

Mrs. Anne Wilkins spoke in favor of the application. She said she had known the Weinleys for a number of years and was sales agent on this property. The Weinleys have lived there for some time and now the property has become uninhabitable with all the industrial traffic from the I-G zone to the south passing by their home. The noise is terrible, she said.

Mrs. Donald Moreland stated that she bought her property in September 1953 and since then it has steadily depreciated as a residential area. The house on one side of hers is a rented house and on the other side is a vacant condemned house. Every morning at daybreak down at the quarry where the equipment is, there is terrible noise from someone pounding on the trucks with iron pipes to knock off the cement and no one should be forced to live under these conditions, she said. The Weinleys' property is even closer.

Mr. Knowlton was instructed to check into the noise situation.

Mr. Hilmer, owner of Par Vehicle Services, stated that the Atlantic and Sunoco stations were done away with in the relocation of Edsall Road and there was a time that his station enjoyed a 96,000 gallonage per month. During construction of the interchange his gallonage dropped down to 28,000 gallons per month. Now he has brought it back up to 40,000 gallons but there is a problem with Virginia Concrete -- noise and dust -- and it is bad for business. He opens his station at 6:00 a.m. The short turn necessary to get into the industrial drive precludes many customers from getting in there, he said. There is not ample space between the timing of the lights for traffic to come into the industrial area, particularly during rush hours. They feel that the new location of the proposed station would be more in line with the normal traffic patterns and the customers they have been serving in this area for the past seven years.

Would the present station location be eliminated with the new station, Mr. Smith asked?

Mr. Hilmer said he could not speak for Esso, but felt they would not want two stations this close together. There is a garage contiguous to the existing station, and it is hoped that the current station space could be used for garage purposes. It is zoned industrial.

Mr. Keller stated that he lived in the house that was taken by the station and he could state the Weinleys' position now. Prior to this the F.H.A. refused to give him an appraisal because of the industrial zoning across the street. He was paid one dollar more for his property by the State than he paid for it eight years ago.

Opposition: Mrs. Phyllis Johnson, 7117 Woodland Drive, represented the North Springfield Citizens Association, opposing the application because they felt that additional stations could not be justified on the grounds of community need; heavy traffic conditions in the area; would increase hazards to motorists, and because it is contrary to the public interest.

Mrs. Jean Johnson, Indian Springs-Clearfield Subdivision, objected to the noise and traffic and because the area is of a single-family residential character. Restrictive covenants provide that no structure other than one detached single-family dwelling or private garage may be erected on any lot within the subdivision. Her husband is president of the association, she said. She presented opposing petitions.

Mr. Yeatman informed Mrs. Johnson that the Board could not consider covenants -- that is left up to the courts.

Mr. Long told Mrs. Johnson that the area is zoned for heavy industrial use and there will be a high noise level. The master plan shows commercial from Mitchell Street all the way to Clifton Street. He asked if she were aware of that??

Yes, but they are not going to take it sitting down, Mrs. Johnson replied.

Mrs. Catherine Fullerchick, owner of property on Mitchell Street, said that her house was condemned. It will take her two months to fix it up, she said. She has lived in the area for twenty years and three-fourths of the people disapprove of the proposed service station. It was stated that the Weinley house is 7 ft. from the road when actually it is more like 25 ft. from the property line, she said. How can the noise bother the Weinleys, she asked -- both of them work.

Col. William Houston of Lincolnia Park Civic Association endorsed the statements made by the Indian Spring-Clearfield Citizens Association, opposing the application. One thing which Mr. Hansbarger did not point out, he said, is that the Annandale Master Plan is under restudy. There is currently a Braddock-Backlick Neighborhood Study in which the Board of Supervisors indicated that this particular area should be planned for commercial uses but restricted to office uses.

It has been said that the existing service station would probably be eliminated, Mr. Smith said, and this is a location better suited for service station use while the other building is better suited for garage purposes.

They fear this would cause increasing pressures for more service station development, Mr. Houston said.

Mr. Hansbarger, in rebuttal, said they were not requesting any variances. The Weinleys have gone through the period of road construction and an era when the noise was constantly increased. The noise is not going to diminish as all of the land is proposed for industrial development. It has to come out the industrial road in front of this property. There are many other uses which could go on this C-N property by right which might be more objectionable than a service station. They intend to overcome the covenants which were spoken of.

When will Humble be able to acquire the additional 50 ft., Mr. Smith asked?

They hope to have an answer on that after this hearing, Mr. Hansbarger replied.

If the entire parcel were used for the service station, this would have a bearing on his thinking, Mr. Smith said. The application should include the other 50 feet.

Mr. Smith said he would like to read the Board of Supervisors minutes of the hearing on rezoning before taking action on this service station.

In the application of Humble Oil & Refining Company, application under Section 30-7.2.10.1 of the Ordinance, to permit erection and operation of service station, part Lots 16, 17, 19, Indian Springs, 5312 Mitchell Street, Springfield District, Mr. Yeatman moved that the application be granted and that no variances be permitted on this property; that this be a ranch type red brick (no porcelain) service station; that they erect a brick wall to the north of the gas station in conformity with the appearance and architectural design of the station; that all other provisions of the County building codes and Zoning Ordinance shall be met. The station shall not commence operation until an occupancy permit has been obtained. Seconded, Mr. Barnes. Mr. Yeatman added to his motion that the brick wall would be the screening and this would be north of the 50 ft. section of land they are going to obtain. This is for a three bay station and there shall be only the standard Esso oval sign meeting all County requirements on height and size. For gasoline station purposes only. Carried 4-1, Mr. Smith voting against the motion as he felt it should be deferred for other information.

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AUTO VALET SYSTEM, INC., application under Section 30-6.6 of the Ordinance, to permit pump island 12 ft. from right of way line, south side of Columbia Pike opposite Courtland Drive, Mason District, (C-G and C-N), Map No. 61-2 ((1)) 115, V-136-69

Withdrawn without prejudice at the applicant's request.

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July 8, 1969

J. D. MULLIGAN, application under Sec. 30-6.6 of the Ordinance, to permit construction of greenhouse 13.4 ft. from side property line, Lot 179, Section 1, Mantua Hills, 3312 Parkside Terrace, Providence District, (RE 0.5), Map No. 58-2 ((9)) 179, V-130-69

Mr. F. Raymond Martini represented the applicant. This is a steep lot, he explained, sloping approximately 25 ft. from the street to the sewer easement, and 8 to 10 ft. of slope from the street level to the front of the house. The sewer easement prevents them from putting the greenhouse in the rear. There are no objections from any of the neighbors to the proposed construction. Greenhouses are a thing of beauty and would add to the value of the property.

Mr. Mulligan stated that the greenhouse would be their hobby. They just intend to grow a few plants in the winter so they can place them outside during the summer for their own enjoyment. This is the only practical location for the greenhouse.

No opposition.

In the application of J. D. Mulligan, application under Section 30-6.6 of the Ordinance, to permit erection of greenhouse 13.4 ft. from side property line, Lot 179, Section 1, Mantua Hills, 3312 Parkside Terrace, Providence District, Mr. Yeatman moved that the application be granted because of the topography and the odd shape of the lot and the sewer easement across the back. All other provisions of the Ordinance shall be met. No use shall be made of this greenhouse until an occupancy permit has been obtained. Size will be as shown on the plat. For private use only. Seconded, Mr. Barnes. Carried unanimously.

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KENNETH S. WEATHERSPOON, application under Section 30-6.6 of the Ordinance, to permit fence in excess of height allowed by the Ordinance, Lot 156, Section 3, London Towne, 14801 Haymarket Lane, Centreville District, (RT-10), Map No. 54-3 ((4)) 156, V-129-69

His home is on the corner of the main entrance to the community, Mr. Weatherspoon said, and he put up the fence to give his family privacy. His back yard is bounded by three roads. Along with privacy, the fence was meant for protection to his small daughter, and to keep the dog contained in the yard. The covenant on his property stipulated that no structure could be erected until plans and specifications had been submitted to and approved in writing by the Board of Directors of the Association. The fence was approved by them so he commenced construction. He was then notified by the County that he was in violation. He presented approximately fifty signatures from neighbors as not being opposed to the application. The fence is no more of a traffic hazard at its present height than it would be were it cut back to 4 ft., he said, as it does not interfere with sight distance now. He showed photographs to back up this statement.

How much of the fence is actually in violation, Mr. Smith asked?

55 ft. along Stone Road, Mr. Woodson replied.

Mr. Weatherspoon said he could either move the entire fence 25 ft. away from Stone Road or cut off the portion outside the line to a height of 4 ft. -- neither of these would be desirable. If he did that he would make his back yard extremely small and if it were chopped up it would not enhance the beauty of the community. He built the fence himself and there was a tremendous amount of labor involved. The 4' x 6's are sunk 3 ft. in the ground. Other people in London Towne have 6 ft. fences -- this is a regulation of the architectural committee. His fence is set back 9 or 10 ft. from the actual curb of the road.

Mr. Richard Colton spoke in favor of the application. There is no sight distance problem involved, he said.

Mr. Stephen Oxier, next door neighbor closest to the fence, said it was one of the most beautiful fences in London Towne and it does not obstruct the view of traffic in any way. The Board should go out and look at the fence, he said.

Mr. Charles Joll also spoke in favor of the application.

Mrs. Weatherspoon pointed out the conflict in the County regulations and those of London Towne -- if the fence is cut back to 4 ft. it will not meet the regulations of the architectural committee in London Towne, she said, and she would like to leave the fence at the 6 ft. height to insure privacy.

No opposition.

Mr. Knowlton reported that first of all, the author of the town house ordinance saw fit to require a privacy fence around either the front or rear yard; that excluded the end lots because they so often fall on intersections. Secondly, the setbacks for the area, if applied to this fence -- it meets the requirements of the sight distance ordinance and this particular ordinance, like most of the ordinances, is a minimum. Sight distance could be improved if the fence were further back. The requirement on a local street for town house setback is only 10 ft. This is a collector street which would require more of a setback and if this were applied it would mean relocating 25 or 30 ft. of the fence.

July 8, 1969

KENNETH S. WEATHERSPOON - Ctd.

Mr. Barnes moved to defer to September 16 to allow the Board an opportunity to view the site. Seconded, Mr. Yeatman. Carried unanimously.

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ERIC H. WYANT, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel, 8920 Old Dominion Drive, Dranesville District, (RE-2) Map No. 13-4 ((1)) 31, S-131-69

Mr. Wyant told the Board that his original use permit was issued in December 1960. He had a use permit for three years and the Zoning Administrator gave him three renewals of one year each. The time has now run out. During the winter he has about 25 or 30 dogs and during the summer he has as many as 100.

Mr.Woodson reported that they had not received any complaints on the operation.

There are 44 runs with 88 cages, Mr. Wyant stated. They do not sell dogs, this is for boarding only.

Mr. Smith commented that according to the plat the building was about 9/10 of a foot too close to the side line.

Mr. Wyant said he owned the property next to this also.

No opposition.

In the application of Eric H. Wyant, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of dog kennel, 8920 Old Dominion Drive, Dranesville District, Mr. Yeatman moved that the application be granted for continuation of a use which was granted in 1960 for 100 dogs, if he can accommodate them and get Health Department approval. All other provisions of the Ordinance pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT J. HERMAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed, Lot 15, Block M, Sec. 4, Mosby Woods, 3237 Atlanta Street, Providence District, (R-12.5), Map No. 47-4 ((7)) M, 15, V-132-69

Mr. Herman stated that when he first came up with the idea of a carport he considered a garage in back of the house or an open carport in back of the house, but because of the lay of the land it did not conform properly. They were trying to get some type of shelter for their back door and putting the carport in this location would provide that shelter. Even if the Board grants a variance, there would be some difficulty in drawing up plans for a carport which would add to the appearance of the house. This is a split level type of house and the roof lines do not blend well with a carport type roof. This would be a one car carport. There is a stoop which comes out at the back door which adds to their problem as it makes the carport appear wider than it really is. The driveway is only 3.3 ft. from the side line and they would like to extend the carport to the edge of the driveway. If it were not for the stoop there would be no problem.

Mr. Yeatman said he would like to see a plan before acting on this.

An 11 ft. carport would accommodate the car beyond the stoop, Mr. Smith said, and he felt that the request could be reduced to the minimum rather than the maximum. The Board, in the past, has been very reluctant in all cases to grant more than an 11 ft. carport. To grant the request before the Board would not be in keeping with what the Board has done previously in the area. This situation is not uncommon to many in Mosby Woods -- the lot is not wide enough to construct a carport.

There are not many houses of this particular type, Mr. Herman said.

Mr. Long felt that the plat showed the minimum carport now.

No opposition.

Mr. Yeatman moved to defer to September 9 to view the property and for the applicant to bring in the sketches of the proposed carport, since his wife is an artist, she could do this, showing particularly the roof line which is very important, and for the staff to find out how many other houses in the subdivision are similarly situated. Seconded, Mr. Long. Carried unanimously.

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KENNETH F. PARSONS, application under Sec. 30-6.6 of the Ordinance, to permit division of lot with less frontage than required, Lot 4, Block 4, Section 1, Clermont, 4413 Upland Drive, Lee District, (R-12.5), Map No. 82-1 ((4)) 4, V-133-69

Mr. Parsons explained that he was dividing Lot 4 into two lots and was requesting a 5 ft. variance on each of them. There is one house on Lot 4 and he bought the property with the intent of improving this house and possibly dividing the lot and building another house in the rear. After evaluating the cost of improving this house it seemed

better to put two new structures side by side with the same setback from the road rather than putting the new house to the right rear. The existing house will be removed. Sewer and water are available.

The existing house is a 28' x 26' Cape Cod which is 20 years old, Mr. Parsons continued. If this is removed, they can put two new houses there which will be an asset to the community. No variances would be necessary on the houses. The proposed houses would be "L" shaped ramblers with no carports. He lives in Clermont Woods and is interested in seeing this done as well as economically feasible to do it.

Mr. Long asked if Mr. Parsons could comply with the requirements of the R-12.5 zone and construct sidewalk, curb and gutter.

Mr. Parsons said he was reluctant to do this since the property on each side does not have these improvements.

Mr. Long suggested posting a bond to guarantee construction of these improvements at the time the adjacent property is developed.

The new homes that were constructed on Upland Drive have not been required to construct curb and gutter, Mr. Parsons told the Board. All he wants to do is to build two houses that conform to what is there now.

No opposition.

Mr. Smith suggested deferring action to see if this has been required of others in the area. If it has not been, to require this man to do it would not be right, however, it would be to his advantage to do it. It has to start somewhere.

In the application of Kenneth F. Parsons, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage than required, Lot 4, Block 4, Section 1, Clermont, 4413 Upland Drive, Lee District, Mr. Yeatman moved that the application be granted with the stipulation that the house on the property be removed within 60 days after the recording of the plat. No trash is to be left on the property. The owner of the land will bond himself with the County as to street and sidewalk improvements at such time as the County requires it to be implemented. Seconded, Mr. Barnes. Carried unanimously.

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GREENBRIAR CREATIVE DAY SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of morning pre-school in Christ Presbyterian Church, 12410 Lee Jackson Highway, Centreville District, Map No. 45-4 ((1)) 9 & 10, S-134-69 (RE-1)

Mr. Blaine Friedlander represented the applicant. Mrs. Amy Hatch and Mrs. Reed were also present in support of the application.

The application is to use the existing church as a creative day school, mornings only, 40 children, two classes of twenty each, Mr. Friedlander explained. There is a need in the community for such a pre-school. The Church has agreed to lease the property to the pre-school during the week and has agreed to see that they are in compliance with the County Ordinance so that the children will be properly protected. All requirements of the Inspections Division will be met. Hours of operation will be from 9:00 a.m. to 12:00 noon, ages of the children willbe 3 through 5. They have set up a corporation and the closest name they could get to Greenbriar was the Greenbrook Corporation. Mr. and Mrs. Hatch own fifty per cent and Mr. and Mrs. Reed own the other fifty per cent of the corporation. They incorporated on June 9, 1969. The lease has been tentatively agreed upon and will be signed within the next week.

Mr. Smith asked that a copy of the lease be submitted for the record as soon as it is signed, and the telephone number of the person to be contacted by the County, if necessary.

Mrs. Amy Hatch would be the one to contact, Mr. Friedlander said, and her telephone number is on the application form. Her address is 13206 Moss Ranch Lane, Fairfax, Virginia.

No opposition.

In the application of Greenbrook Creative Day School, application under Section 30-7.2 6.1.3 of the Ordinance, to permit operation of morning pre-school in Christ Presbyterian Church, 12410 Lee Jackson Highway, Centreville District, maximum of 40 children, ages 3 through 5, five days a week, 9:00 a.m. to 12 noon, Mr. Yeatman moved that the application be approved and that all other provisions of the County Inspections Department and the Zoning Ordinance shall be met. This school shall not operate until they have obtained an occupancy permit for the use. Seconded, Mr. Baker. Carried unanimously.

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AVON ROAD CORPORATION, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located on Fordson Road near its intersection with U. S. #1, (Mt. Vernon Plaza), Lee District, (C-D), Map No. 92-4 & 101-2 ((1)) 12A, S-135-69

Letter from the applicant's attorney requested deferral.

July 8, 1969

AVON ROAD CORPORATION - Ctd.

Mr. Knowlton informed the Board that the Planning Commission also wishes to hear the case.

Mr. Baker moved to defer to July 22. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES

GULF OIL CORPORATION, application under Section 30-7.2.10.2 of the Ordinance, to permit erection and operation of a gasoline station, 7724 Telegraph Road, Lee District, (C-N), Map No. 100 ((1)) 33, S-77-69 (deferred from May 27)

Mr. Smith read the memo from the Planning Commission dated July 3, 1969 recommending that the application be denied due to its impact on the residential neighborhood, and adding that the Planning Commission has initiated on its own a rezoning application to rezone the land from C-N to the C-OL category.

Mr. Hobson said he had attended the Planning Commission hearing. He presented the Board a copy of a stenographic transcript of the hearing before the Planning Commission along with a consultant's report to the Planning Commission, as a part of the official record. In summary, he said, the Planning Commission voted to recommend denial by a 5-2 vote. At the original Board of Zoning Appeals hearing, Mrs. Henderson, the then Chairman, stated that she did not see how the Board could deny the application since it met all requirements of the Zoning Ordinance, he said. Gulf has always lived up to the conditions of Fairfax County and has a good record before this Board. The opposition that was present was primarily concerned about land use planning and what will happen to the properties to the south when this property is developed commercially -- this is not an argument in a special use permit case.

Mr. Hobson continued -- the Boothe law firm represents the owners of the property and they have sent a letter to the Planning Commission stating that they will vigorously oppose any action to rezone this C-N property. He presented a copy of the letter for the Board's records.

Mr. Hobson concluded by saying that Gulf has set forth a case entitling them to a special use permit for a gasoline station on this site with such conditions as this Board would set.

In the application of Gulf Oil Corporation, application under Section 30-7.2.10.2 of the Ordinance, to permit erection and operation of gasoline station, 7724 Telegraph Road, Lee District, Mr. Yeatman moved that the application be denied for the following reasons: it is not compatible with good traffic movement on Telegraph Road and is contrary to the safety of pedestrians from the adjoining school; it is overwhelmingly opposed by the citizens of the area and not in accord with the reasons given at the time of rezoning, and it is opposed by the Planning Commission as not being good land use. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion as he felt the zoning was proper and that the applicant presented a good case.

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NATIONAL MEMORIAL PARK, app. under Sec. 30-7.2.3.1.1 of the Ordinance, to permit operation of cemetery, W. side of Hollywood Road, 0.3 mile north of Lee Highway, Providence District, (R-12.5), Map No. 50-1 ((1)) 16, S-79-69 (deferred from June 10)

Mr. Long stated that he would not participate in the hearing since he was the engineer in this case.

Mr. Charles Radigan told the Board that the property has been used for many years as a maintenance yard for vehicles and equipment in the park, and has been a non-conforming use. The park intends to tear down the existing buildings and erect new buildings on the property. At the last hearing the discussion and opposition from members of the Board seemed to center on the fact that the park intended to pour concrete on the property. The applicant was directed to obtain more information regarding this and send a letter to the Chairman of the Board.

National Memorial Park has owned this particular tract since 1935 and has used it as a maintenace yard, garage area and general storage area, Mr. Radigan continued. It is a non-conforming use in an R-12.5 zone. The Board at its last meeting expressed concern over pouring of concrete marker bases, concrete liners, etc. His statement to the Board that a concrete grave liner was a state requirement, he said, was incorrect. This is a policy of the cemetery, to require concrete grave liners. The first pouring of concrete on this parcel was in 1936. The first concrete marker base was installed January 12, 1936. In 1947 a mausoleum was poured. In 1949 turf top crypts were poured. The tops have been poured since 1953 for use in the park.

Upon inquiry, Mr. Radigan told the Board, he could find only one other cemetery in Virginia that pours concrete on the premises and that was Danville Gardens -- they pour at least one a day.

July 8, 1969

NATIONAL MEMORIAL PARK - Ctd.

National Memorial Park had 700 burials last year in the park with little or no advance notice, Mr. Radigan continued, and there is an enormous problem of inventory and ceasing this would hinder the operation of the park. This proposal deserves favorable consideration and if it is denied, the park would have no alternative but to maintain the parcel in its present non-conforming status.

The manufacturing aspect of this use is not in keeping with the Ordinance, Mr. Smith said. This is manufacturing for sale in a residential area which is prohibited by the Ordinance.

They would like to be able to use this property as a maintenance yard which is an accessory use to the operation of a cemetery, Mr. Radigan stated.

Mr. Knowlton read the definition of "accessory use" -- "located on the same lot therewith" so it would not be applicable in this case as it is not located on the same property.

Mr. Smith read the opinion from the County Attorney, stating that the activity referred to in Mr. Knowlton's memo of May 12, 1969, construction of concrete vault lids is clearly a manufacturing activity, and prohibited in a residential district. It also pointed out that there was no state requirement for concrete vaults.

Mr. Smith said he felt that rezoning was the proper procedure in this case.

Mr. Smith also said he did not consider this a non-conforming use. Certainly they are in violation of the Code by manufacturing concrete products in a residential area. As far as this being considered as an accessory use, it does not meet the requirements of the Ordinance for being on the same lot. This is a piece of property across the street.

Mr. Yeatman suggested issuing the use permit for the building but eliminating the manufacturing.

Where does the Board have authority to grant a use permit for an accessory use on land that is not included in the cemetery, Mr. Smith asked?

It is under the same ownership, Mr. Yeatman replied.

They should have the building, Mr. Barnes said, because of the new apartments across the street. They could keep the equipment there but not manufacture any concrete products.

Mr. Hawkins from the Park named some of the equipment that would be kept in the building, and said there would also be office space, locker space and restroom facilities for the 90 employees of the Park.

This is completely out of order, Mr. Smith said, as the Board has no authority to grant a use permit for an office for 90 employees. The Board recently denied permission to one man to have a small trailer on a cemetery for sales purposes.

Mr. Radigan asked that this be incorporated into the existing permit that the Park is operating under at the present time. In that fashion, accessory use for this property could be granted. He would be happy to furnish a plat showing this as an addition to the existing use permit that the park is operating under now.

The plat should show all the uses on all of the land owned by the Park including the proposed use of this land, Mr. Smith said. The Board would also like to see a list of all equipment owned by the cemetery which would be housed in the proposed building.

Mr. Yeatman moved to defer to September 23 for new plats. Seconded, Mr. Baker. Carried, 4-0, Mr. Long abstaining.

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STEPHEN HORVATH, S. W. corner of Spring Hill Road and Old Dominion Drive, for service station - request for extension of one year. Mr. Yeatman moved that the Board grant a one year extension from August 6, 1969. Seconded, Mr. Barnes. Carried unanimously.

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Letter from Mr. Brault requested an extension of the special use permit issued to Patrician Arms Nursing Home. Construction has been held up because Hill-Burton funds were denied. They requested a one year extension from July 30, 1969.

Mr. Yeatman moved that the permit be extended twelve months from July 30, 1969. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Ren, representing Medical Services, Inc., successor to Mr. Henry Rolfs, requested an extension of that permit for a nursing home which will expire July 10, 1969. Site plan

was submitted to the County in March 1969 and is now pending approval. Site plan appeal has been filed in the meantime and it will not be possible to dispose of the appeal and obtain site plan approval before July 10. He requested that the Board extend the use permit until site plan has been approved.

Mr. Dexter Odin was present representing land owners contiguous to the nursing home property opposed to the extension.

This has not been advertised for public hearing, Mr. Smith said, and in all fairness to the applicant, if the Board is going to hear the opposition, the applicant should be present to defend it.

Mr. Ren said he represented the applicant.

Mr. Smith said he felt this was out of order. This is a request for an extension. Site plan has been submitted and is being processed and in all fairness to the applicant, each side should be given five minutes.

One of their objections, Mr. Odin continued, is that this is not a scheduled item and many of the people present are interested but many that are interested were not aware of this and are not present. This application was granted April 1963 and has had 7 extensions. During that period of time the Board of Zoning Appeals at least on one occasion stated very clearly that no further extensions would be granted. Nevertheless, several extensions were granted and at that time it was said that progress must be shown before another extension could be granted. Finally, site plan was filed in March 1969 and there was another use permit filed on this property which came before the Board, although perhaps not officially before the Board, he said.

Mr. Odin reminded the Board that the provisions of Chapter 30-6.15 of the Zoning Ordinance relating to the Board of Zoning Appeals are to be strictly construed. Back in April of 1965 the Board granted an extension and in May 1966 after the permit had expired, the Board renewed it. The question then becomes -- can you renew a special use permit after it expires, and he doubted very seriously that this could, in fact, be true. However, turning to Section 30-6.15, whenever a special use permit is issued, activities shall be diligently pursued. It can hardly be said that construction under this use permit has been diligently pursued, he said. One of the things that is very important in construing this section -- it says an extension shall be granted, referring to one extension. In this case we have seven extensions, he said, but the only specific language in this section authorizes the Board to grant one extension. The permit was granted in 1963. Many people live in the area now who were not in the County at that time. Many homes have been built since them -- these people have never been heard on this matter. By extending the use permit it deprives them of an opportunity to be heard.

On May 16, 1969, Mr. Odin said he sent a letter to Mr. Woodson raising questions with respect to the site plan on file and the legality of the permit at that time; Mr. Woodson did not answer the letter.

Any appeal from the original decision would not be in order, Mr. Smith stated. The Board has in the past one and a half years been far more strict on extension of use permits. Three or four people at various times were going to construct this nursing home. This is a new group. The Board policy is to try to continue these uses for a reasonable period of time. In this case maybe the time has been a little beyond but there have been several different groups involved in this. It is the same property owner, however, he said.

In April 1966 when the permit expired, the Board granted another extension in May, Mr. Odin said.

Since that time the Board has discontinued this policy, Mr. Smith pointed out, and it is well known that they do not extend any use permits that have expired. These people are pursuing this application and that makes a great difference as far as he is concerned. If there had been no submission of site plan he would say that Mr. Odin was absolutely right.

On what basis is the site plan being appealed, Mr. Long asked?

Mr. Odin said he did not file that action. There are quite a few deviations from the original plan. One of the questions is whether the original plan is a part of the use permit itself. If the original papers are not part of this use permit then one cannot even identify where the land is. You have to go to the application itself. If you go to the application you have got a different nursing home, he said.

This Board, last year, decided that the plat about to be submitted was in keeping with the intent of the original use permit, Mr. Smith pointed out. As far as extensions go, the Board has authority to grant more than one extension -- if this is not true, they have been in error many times. These people are entitled to an extension until the Planning Commission has heard the appeal on the site plan. The Board should not take any further action until the Planning Commission has heard the appeal.

The Planning Commission is holding up until the Board of Appeals rules on the questions presented to them, Mr. Odin said.

July 8, 1969

MEDICAL SERVICES, INC. - Ctd.

Maybe the Board should take time to consider this in detail, but in the meantime the applicant should be given a sixty day extension, Mr. Smith said, until such time as the Board can act on the other questions involved.

This is a new owner, Mr. Ren said, and he has taken every diligent step that he can to comply with the ordinance and go forth with construction. This can be worked out if he has a little more time.

Was the site plan rejected, Mr. Smith asked?

There were a few minor changes which were to be made, Mr. Ren answered, and one building site changed.

Did you make the changes and resubmit the plans, Mr. Smith asked?

This can be done over in one day's time when they would have preliminary approval, Mr. Ren said. They won't give preliminary approval until this appeal is resolved.

Mr. Ren said he felt the Board gave proper consideration at the time the use permit was granted as to whether this was compatible with the area and the area has not changed since then. New owners have purchased the ground and should not be penalized now because citizens are objecting.

This has been a long drawn out thing, Mr. Smith commented. The area has not changed tremendously. The people who bought here since that time should have known that there was a nursing home planned for this property. When the site plan is approved, when would construction commence?

Immediately, Mr. Ren said. The only reason they requested an extension was because of site plan delay.

Mr. Knowlton said he had talked to Mr. Chilton about the results of the Planning Commission meeting. There was an appeal filed with the Commission against that particular site plan. The Commission took no action except to defer indefinitely. The case being that you can only appeal the approval of a site plan and site plan has not been approved. Once site plan has been approved the appeal can be heard. Meantime nothing can be done until site plan is approved and he did not know how long that would be.

Mr. Long said he would be reluctant to grant another extension. Seven years is a long time and there must have been changes in the area.

Mr. Smith reminded him that he was not a member of the Board when the application was originally granted and he did not vote for any of the extensions.

Maybe that is another reason it should be reheard, Mr. Long said.

When the site plan appeal is considered there will be a hearing before the Planning Commission, Mr. Smith said, and the Board will get into it at that time. It might be that the Board should give some thought and if this is a good procedure, perhaps extensions should be readvertised and reheard.

Mr. Yeatman moved that the Board grant a six months extension and if the applicant's problems are not resolved by that time, the case will have to be heard as a new case. If they cannot get site plan approval during this time, they are out and would have to come back with a new application, etc. Seconded, Mr. Barnes. Carried 4-1, Mr. Long voting against the motion.

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Mr. Woodson presented a plat to the Board showing the proposed building on the Samuel J. Fulton property on Gallows Road, larger than what was granted by the Board at the original hearing. The Board agreed that this would be all right as long as the applicant could meet all of the other requirements.

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EVANS FARM INN - Mr. Woodson should check into this. They are selling fertilizer, pesticides, etc.

The meeting adjourned at 4:50 p.m.
By Betty Haines, Clerk

Daniel Smith Chairman
Aug. 14, 1969 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, July 22, 1969 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present: Mr.Daniel Smith, Chairman, Messrs. Yeatman, Barnes, Baker and Long.

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

THOMAS R. EPPERSON, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 13.3 ft. from side property line, Lot 60, Sec. 3, Mt. Vernon Forest, 9215 Volunteer Drive, Mt. Vernon District, (RE 0.5), Map No. 110-4 ((3)) 60, V-137-69

Mr. Epperson explained that his request was based on the topography of his lot. It falls off in the back rather steeply and precludes putting an addition there. Putting the addition in front of the house would require an even greater variance. The garage is for protection of his car which has been broken into three times. Materials for construction will conform with the house which is antique brick. This is a variance only on one point of the addition. The neighbors are in favor of the application.

No opposition.

The plat does not show the area of the addition to be used as a dining room, Mr. Smith pointed out. There is adequate room in the back to build a separate dining room without a variance, he said. To grant the variance for the garage based on reasons of topography does have some merit but the Board has been reluctant in the past to grant variances for living purposes this close to a property line.

Col. Jesse L. Flanagan, living directly across the street from Mr. Epperson, spoke in favor of the application.

Mr. Yeatman made the following motion: In the application of Thomas R. Epperson, application under Section 30-6.6 of the Ordinance, to permit erection of addition to dwelling 13.3 ft. from side property line, Lot 60, Sec. 3, Mt. Vernon Forest, 9215 Volunteer Drive, Mt. Vernon District, Mr. Yeatman moved that the application be approved for the addition to be used as a garage and the back portion as a dining room. In looking at pictures of the property, there is quite a topography problem, and the lot is odd shaped. This is only approximately a 3 ft. variance where the dining room section will be. This is granted in accordance with plat by Ross and France. All other requirements of the Ordinance and Building Codes shall be met. Seconded, Mr. Baker. Carried unanimously.

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THOMAS A. CARY, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling Lot 370, Sec. 5, Brookfield, with a front and side yard variance, Lots 359, 372, 377, 378, 407, 408, 410, 411, 417, 418, 428, 429, 439 and 440, Sec. 5, Brookfield, to permit dwellings a front yard variance, Centreville District, (R-12.5 cluster), Map No. 45-1, 44-2 ((1)) 10, V-141-69

Mr. Knowlton pointed out the property on the map.

Mr. John T. Hazel, Jr., representing the applicant, stated thatall of these houses are in various stages of construction, ranging from footings to finished houses. No streets are in. Some slight curb and gutter work has been done in front of the finished houses. The variances requested range from 1.1 ft. to a 3.6 ft. variance. The variance is marked on each plat. On Lot 370 a side line variance of 3/10 ft. is requested along with the variance on the front. These houses are all in Section 5 of Brookfield and they are all the same model house. This section was commenced in late winter. The houses all have the two story porch with four pillars down the front and a 4 ft. overhang, therein is the problem. The footings for this model were put on the building line but when the roof goes on this creates an open porch with a 4 ft. overhang which really amounts to a covered walkway. The superintendent should have pointed this out to the surveyor or maybe the surveyor should have known it, Mr. Hazel continued, but the fact is the error was made and it did not show up until final check. The pillars are merely decorative and do not hold the overhang. The houses on Lots 370, 377 and 378 are 95% complete, they are landscaped, and ready for sale. When the error was discovered on these, they immediately checked the other houses of this model and they found that they were also in error. 418 has the roof on but no doors and windows yet in place. 428, 439 and 440 are up to the plate and stopped at that point. This is a cluster development and the streets curve a good deal and some are on cul-de-sacs, so it is difficult to tell any real difference in setbacks between the houses.

Mr. Hazel told the Board that there was a safety module built into the original footing location on each lot. They were being placed what was thought to be a safe distance beyond the setback line. He was satisfied that this was not an intentional error, he said, and to move 14 houses would be a hardship. These are the only variances ever requested in Brookfield.

July 22, 1969

THOMAS A. CARY, INC. - Ctd.

Probably when the houses were laid out no one knew the porches were going on, Mr. Smith said. This is a real problem. Builders and surveyors should get together prior to pouring foundations and ascertain as to what type of house is going on the lot.

No opposition.

Mr. Yeatman made the following motion: In the application of Thomas A. Cary, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling Lot 370, Sec. 5, Brookfield, with a front and side yard variance, Lots 359, 372, 377, 378, 407, 408, 410, 411, 417, 418, 428, 429, 439, and 440, Sec. 5, Brookfield, to permit dwellings a front yard variance, Centreville District, Mr. Yeatman moved that the application be approved on Lot 370, granting a variance of 2.6 ft. from the front and 0.3 ft. from the side yard as indicated on the plats; Lot 359 - a 1.6 ft. variance on the front; Lot 372 - 2.5 ft. variance on the front; 377 - 2.7 ft. variance on the front; Lot 378 a 3.3 ft. variance on the front; Lot 407 - 2.5 ft. variance on the front; Lot 408 - 2.5 ft. variance on the front; Lot 410 - 1.6 ft. variance on the front - Lot 411 - 2.3 ft. variance requested from the front; Lot 417 - 1.5 ft. variance on the front; Lot 418 - 2.5 ft. variance from the front; Lot 428 - 3 ft. variance on the front; Lot 429 - 3.6 ft. variance on the front; Lot 439 - 2.7 ft. variance; Lot 440 - 1.1 ft. variance on the front, all in Section 5 of Brookfield. This appears to be an honest mistake. In all cases the violation was due to the two story Colonial porch on the front. Seconded, Mr. Baker. Carried unanimously.

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ST. STEPHENS UNITED METHODIST CHURCH PRE-SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school in existing church, maximum number students 50, 9203 Braddock Road, Springfield District, (RE-1), Map No. 69-4 ((1)) 19A, S-138-69

Mrs. Jean Gordon, Chairman of the Pre-School, stated that the school would operate Monday through Friday for three and four year old children. This would be a non-profit pre-school to serve people in the area and this year as a trial run it would operate from 9 a.m. to 11:30 a.m.

Mr. Smith suggested that it might take till 12:00 noon to get all the children away from the school. He read a letter from Mr. Strong of the Church stating that all deficiencies which exist will be corrected before getting the occupancy permit for the school.

Mr. Ernest Williams who sold the property to the church spoke in favor of the application.

No opposition.

Mrs. Gordon added that the pre-school would like permission to have one more class with 16 students next year.

Mr. Smith suggested amending the application to read "maximum of 65 children" subject to approval of the various inspections agencies.

Mr. Yeatman made the following motion: In the application of St. Stephens United Methodist Church Pre-School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school in existing church, maximum number of students at any one time - 65, ages 3 and 4, hours of operation 9:00 a.m. to 12:00 noon, Mr. Yeatman moved that the application be approved and that all inspections be made before occupancy permit is issued. Seconded, Mr. Baker. Carried unanimously.

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B. F. SAUL CO., application under Section 30-6.6 of the Ordinance, to permit erection of apartment building 25 ft. from side property line, Telegraph Hill Apartments, Section 3, KingsHighway and Huntington Avenue, Mt. Vernon District, (RM-2G), Map No. 83-1 ((1)) 23, 25, 26, V-139-69

Representative of the applicant did not have the required notices, therefore the application was placed at the end of the agenda to allow him to obtain them.

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CARL W. & THELMA J. ABBOTT, application under Section 30-6.6 of the Ordinance, to permit division of lots with less area than required, shortage resulted from dedication of frontage for public street, 10235 Dunfries Rd., Providence District, (RE-1), Map No. 37-4 ((1)) 34, V-140-69

Mr. George Simpson represented the applicants. The application is to request approval to create two lots in an RE-1 district with less area than required, he said. The variance is slightly less than 1/10 acre. This all came about because the applicants dedicated land for public street purposes and had it not been for that dedication they would have had sufficient land to have one acre in each lot. This is truly a hardship case.

July 22, 1969

CARL W. & THELMA J. ABBOTT - Ctd.

Mr. Smith said he would like some clarification on the dedication for the public street.

The entire street has been dedicated up to this point, Mr. Simpson replied. The initial plat has already been recorded. It was recorded in 1965 and all he did in connection with this application was to update the plat which was recorded.

After more discussion about whether the plat was or not recorded, Mr. Yeatman made the following motion: In the application of Carl W. and Thelma J. Abbott, application under Section 30-6.6 of the Ordinance, to permit division of lots with less area than required; shortage resulted from dedication of frontage for public street, 10235 Dunfries Road, Providence District, Mr. Yeatman moved that the application be approved subject to the plat submitted by the applicant and prepared by Patton, Harris and Foard, dated May 1969, and that the applicant submit to the Zoning Administrator proof that this has been on record as a dedicated road. Seconded, Mr. Baker. Carried unanimously.

(At the end of the meeting Mr. Knowlton reported that he had discovered that the plat had been recorded dedicating the road, July 1965. The applicant's agent could have saved a lot of time if he had hadthis with him, Mr. Smith commented.)

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BETTY J. BERRY, app. under Sec. 30-7.2.6.1.7 of the Ordinance, to permit antique shop in home as home occupation, Lot 8, Block A, Sec. 2, Mt. Zephyr; 8508 Mt. Zephyr Dr. Mt. Vernon District, (R-17), Map 101-4 ((8)) A, 8, S-143-69

Mr. Berry explained that his wife desires to have an antique dealer's license in Fairfax County, using her home address as a business address, but to operate as a dealer, talking with other antique dealers and making deals with them, having not more than one or two dealers by appointment to buy or deliver things to her from them, purchased at dealer's price. She would not have antique shows or auctions. This is strictly so that she will be able to do business with other antique dealers in Fairfax County and be able to go to antique shows and be admitted to make purchases from them.

Mr. Knowlton stated that antique shops are allowed under two groups of special use permits. Group 9 requires certain amount of acreage and this applicant did not fit that requirement, therefore the application was filed under the other section.

Mr. Berry stated that he had lived here for five years and planned to continue living here. His wife would deal strictly with glass, brass and bronze. There would be no outside display, no signs, no furniture. She will sell to persons by appointment only and this would be to someone who would see her antiques at shows and come to the house to pick up an item. They have proposed three parking spaces in the front of the property, meeting all setback requirements of the Ordinance.

Mr. Bartley Garby represented the Mount Vernon Council of Citizens Associations in opposition to the application. There is plenty of commercial land available and they opposed this operation in a residential area. They felt that this commercial utilization of residential land was improper and inappropriate. If granted, this would cause serious problems and would amount to spot commercial zoning.

This is not a rezoning of the land, Mr. Smith pointed out, and he read from the section of the ordinance permitting this in a residential area with a special use permit. There would be no change in the zoning category. The Ordinance reads exterior appearance of a single-family dwelling, no outside display, no sign permitted on the premises in excess of 2 sq. ft. in area, Mr. Smith said. The criteria set forth in the Ordinance is all met. The reasons for objection have to be defined to a degree so the Board can act on this case. The Ordinance allows this by use permit under these conditions and the Board cannot deny an application because of general opposition to it in any area.

Mr. Garby again asked the Board to deny the application because it is inappropriate in this neighborhood and establishes a very bad precedent.

What Mr. Garby is doing, Mr. Smith said, is addressing his remarks in generalities, he doesn't think this should be allowed in any residential area when the Ordinance allows this in a residential community with a use permit. What will be the impact? What will the hazards be, if any? These have to be facts, not opinions, Mr. Smith said.

It is difficult to approach this kind of thing other than in general terms, Mr. Garby said. If they had an area in which a commercial enterprise would not interfere with the atmosphere existing in the area they would not oppose it. This is the kind of street where it is strictly residential. There is no commercial at all.

Again, Mr. Smith pointed out that if the application is granted, it does not change the zoning of the property. It will still be residential.

July 22, 1969

BETTY J. BERRY - Ctd.

Mr. Barnes said he felt that this was a good use. Mrs. Berry stated that she would not have a sign and people would not be running in and out all the time -- it would be by appointment only, and would not have an impact on the area. It is doubtful that the neighbors would even notice it. If the Ordinance needs to be changed, let the Board of Supervisors change it, he said. This applicant has met all the requirements of the Ordinance.

Professional people can operate out of their homes by right, Mr. Yeatman pointed out -- they don't even have to apply to this Board for a permit.

As he understood the applicant, Mr. Long stated, she was most interested in obtaining a business license dealing primarily with dealers and not making sales to the general public. He did not see how this use would be offensive to anyone.

Mrs. Charlotte Hoover, living two houses away from the applicant, feared that this application, if granted, would set a precedent and the commercial use might get out of hand.

Mr. Smith assured her that a use permit could not grow beyond what the Board grants.

This is more or less his wife's hobby, Mr. Berry stated, and she must have a dealer's license to buy at some places and take them to auctions to make a profit. Sales would be limited to appointment only. They explained all of this to the neighbors.

Mr. Barnes made the following motion: In the application of Betty J. Berry, application under Section 30-7.2.6.1.7 of the Ordinance, to permit antique shop in home as home occupation, Lot 8, Block A, Section 2, Mt. Zephyr, 8508 Mt. Zephyr Drive, Mt. Vernon District, Mr. Barnes moved that the application be approved under the following conditions: They have stated that there will be no sign and this will be by appointment only, so this will be a part of the motion, and they shall provide one parking space on the property meeting the requirements of the Ordinance. This does not appear to be detrimental to the area and he felt that the applicants had met all the requirements of the Ordinance for a home occupation. Seconded, Mr. Long. Mr. Smith suggested an amendment -- that the applicant provide three parking spaces on the property for parking of automobiles. Mr. Barnes and Mr. Long accepted this amendment. Carried unanimously.

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LAKE BARCROFT RECREATION CORP., INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit community recreation uses for private membership of 400 families, including indoor swimming pool, outdoor swimming pool and wading pool, service activities building, tennis courts, handball courts and putting greens, Par. A, Section 3, Lake Barcroft, Mason District, (R-17), Map No. 61-3 ((14)) A, S-142-69

Mr. Richard Waterval, member of the Corporation and resident of Lake Barcroft, represented the applicant.

Mr. Waterval stated that he had included in the application a site development plan by the architect, a topographic analysis plan, as well as the required topography and survey work. He invited the Board's attention to the topographic analysis. Topography is a key consideration, he said. He introduced Colonel M. Birnbaum to speak on the application.

Col. Birnbaum stated that he has owned his own home in Lake Barcroft for the past twelve years and has been active in the citizens association during most of that time. There have been repeated efforts during the past years to create a recreational facility for the use of persons living in the area and adjacent to it. The last two efforts fell through because "it was a wonderful idea but you must not put it near us". During that same period there has been repeated interest in retaining the green space characteristics ofthe area of parcel A in question. Many different schemes for keeping this from development have been presented. They eventually came to the point where the possibility of putting in a community recreational facility seemed feasible. This tract was offered to be sold to the community association and if they declined, then to sell it to the highest bidder. There were many committees and many plans and much development over the past 2 1/2 years and finally a plan was developed for the erection of a community facility which would nonetheless maintain essentially the green space characteristics of the area. Last September they presented this to a meeting of their community association in detail. They did not take a vote that night. In October they took a vote and it was overwhelmingly carried with two negative votes. Following the sanction of the approval of their members they went ahead and created the corporation structure. When these structures had been created by approval of their Board of Directors they passed on the option which they have for the purchase of the land by the new corporation. In so doing, they placed restrictions in the operation against obnoxious noises and brilliant lights. The offspring corporation is composed of residents who have put up their money for this development. He urged the Board to consider favorably their proposal. He introduced Mr. Ben Morrison, President of the Lake Barcroft Recreation Center, Inc.

With the momentum provided by the community association, they decided what facilities were needed in consideration of cost and financing, Mr. Morrison explained. They visited 17 similar activities in operation and conducted a series of surveys within the

area of what was needed and wanted relative to actual cost, he explained. He introduced a copy of the Articles of Incorporation and by-laws for the record. (Copy on file in the folder for this case.)

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There are within the area to be served approximately 1700 families, Mr. Morrison continued. The basis for membership and use of this facility is based entirely on being a resident and ownership of property within the area. As a result of their studies and the surveys conducted they felt that this area could provide 400 members who could at a reasonable cost support the type of facility proposed. There would be an indoor pool with multi-purpose room next to it, three tennis courts, and it is that which they propose to build as their first phase of construction.

As a result of their initial membership drives and financing work they have raised over $100,000 for memberships. They have tried to keep everyone informed, Mr. Morrison went on to say, and they have visited and showed their plans to all the people adjacent to Parcel A. The three nearest facilities such as this are filled and have waiting lists. Some people might say with a lake why do they need this? A lake is seasonal with swimming only a few months a year and it is not always usable as referred to in a letter from Dr. Murphy as follows:

"July 22, 1969

DEAR COLONEL BIRNBAUM:

In answer to your question concerning the conditions of the water of Lake Barcroft I submit the following information.

As you know, I have been chairman of the Lake Barcroft Association Health Committee for most of my seventeen years in residence here. In the early years, in cooperation with Dr. Harold Kennedy, the Fairfax health officer, and Colonel Joseph Barger of Lake Barcroft Incorporated, we constantly checked the lake and had to close it on several occasions each summer because of contamination.

Many steps were taken to correct the conditions - such as requiring all homeowners to disconnect their storm drainage from the sanitary sewer, and preventing further dumping of refuse, etc. by homeowners and shopping centers into the tributaries within the water shed.

As you know, Lake Barcroft silt removal has been of great help, but until more silt basins are developed up Holmes Run and Tripp Run this project alone will not suffice. More policing of this area plus proper storm drainage and sanitary pipe lines will be needed. Though continuing progress is being made toward these ends, it is not enough for the present to guarantee a constant non-contaminated lake. As more building and seeding up the water shed continues, the volume of water will increase, bringing with it greater dangers of flooded basements, overflowing sewers and soil erosion.

Escherichia, coli, and other bacterial organisms still require forty-eight to seventy-two hours laboratory testing before positive diagnosis is made. Therefore, we will have to continue for many years in the future to close the lake at certain periods of time to protect the health of our citizens when we feel a potential health hazard exists.

Very truly,
(S) Chris Murphy, Jr. M.D. "

Mr. Morrison introduced Mr. David Gallegher, architect for the proposal.

Mr. Gallegher reviewed briefly the planning process that his firm undertook for this 14 ac. piece of property. For all practical purposes it is entirely wooded and it has unusual possibilities and characteristics as far as surviving in the state that it is at this time, he said. The second characteristic is the drainage of this particular site. Streams that have been pointed out are basically spring fed and are basically running streams. He described the topography of the site and said that it became very apparent to them that the solution meeting the needs and requirements of the property really spelled the solution of the total project. Approximately 60 to 70 per cent of the site has a slope greater than ten per cent. Every solution relates to topography.

Mr. Gallegher showed a master plan for the site showing the proposed buildings, the parking lot and driveway, the swimming areas, handball courts and other minor improvements. The upper portion of the building, he explained, is approximately 60' x 100' and this would be more or less typical of a main indoor pool enclosure. The remainder of the building is approximately 70 ft. square with the corner cut out. Parking provides for 124 car parking in addition to 10 parking spaces just off Lakeview Drive, comprising 134 required spaces in conformance with the policy of this Board for facilities of this type. The tennis courts will be located in the southeast corner of the project. They will be located on a more or less flat area but it was necessary even to get three in to cut and fill and span the stream in this particular area.

The location of the putting green is more scenic than anything else. It is probably the most level area on the entire site, Mr. Gallegher continued. There will be wooded areas which will be undisturbed as far as they are able to control and will remain as buffer areas. Two other tennis courts will utilize the only remaining normal level area. The location of the building is such that it relates to the center of activities on the site. The parking area is arranged with perpendicular parking to a center drive lane in order to minimize removal of trees and take advantage of the topography. He pointed out the location of the main pool and service building where they had to span the stream and make a level area. The building will be made as residential looking as possible.

The building will be basically masonry construction with brick or some type of stucco with stone. They have no intent of using cinder block, Mr. Gallegher stated.

Mr. Waterval introduced Mr. Stuart P. Finley, Chairman of the Lake Barcroft Community Engineering Committee, who stated that the object of the site committee is to try to install the somewhat extensive recreational facilities on the tract to do no harm to the tract and do no injury to adjacent property owners. The entire tract is very beautiful and is entirely wooded. The architect kep referring to this as a problem tract, but he referred to it as a tract with tremendous potential, Mr. Finley continued. They hope to preserve the streams in their free flowing state while still conforming to specifications of the Public Works Department. They will maintain most of the trees and they expect that the entire operation will occupy between one fifth and one fourth of the site. The first phase development will occupy even less than this, with none of the first phase development going toward the north end of the site.

What will be the total coverage of the 14 acres, Mr. Smith asked?

The architect will answer this later, Mr. Finley replied. He showed slides of the property taken during summer and winter months.

Mr. Waterval reminded the Board that the property was zoned R-17 and he defined "community use" as spelled out in the Ordinance. This Board in granting a special use permit must consider the over-riding benefits derived by the community as a whole in harmony with the general purpose and intent of the Zoning Ordinance, he said, and the state of Virginia has set forth legislative intent to encourage local governments to improve public health, he said. He reminded the Board of the letter from Dr. Murphy on the lake problem. This could be a public park, he suggested. The park commission is looking at this and if the proposal should drop, it is on their list for consideration. This could be a school location or a church location. The staff report states that "this is an extremely rough piece of ground of which little other use could be made". If this community recreation facility is not permitted on this site they don't have any options available to them. There is no other land available. If this Board denies this application it has the effect of saying that the Lake Barcroft citizens do not need a recreational facility like everyone else does.

Was Belvedere originally a section of Lake Barcroft, Mr. Yeatman asked?

No, and it is not now, Mr. Waterval replied.

Can the Belvedere residents belong to this, Mr. Yeatman asked?

Yes, according to the by-laws, Mr. Waterval said. He submitted a plat showing the lots outlined in red of their affirmative supporters. They have an option to purchase which must be exercised by September or October of this year, he said. It has been outstanding for three years.

Mr. Waterval pointed out that they have 115 members at the present time.

Mr. Yeatman asked if the surrounding members would have the opportunity of joining the stockholders corporation.

No, that is limited to Lake Barcroft lots, Mr. Waterval said. He read the following letter from Dr. Thompson of the Fairfax County Recreation Department:

"July 9, 1969

MEMORANDUM

TO: Chairman, Board of Zoning Appeals

FROM: Superintendent of Recreation

SUBJECT: Application #V14269

REFERENCE: (a) Telephone conversation and visit with staff members, Board of Zoning Appeals
(b) C.C. ltr. Richard A. Waterval, Atty. at Law, to F.Co. Bd. of Zoning Appeals dtd. June 18, 1969

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ENCLOSURE (1) Comment upon Application #V14269

1. In accordance with references (a) and (b) this office is pleased to forward enclosure (1). The Department has enjoyed being kept informed by the applicant of the proposed project and is familiar with the fine objectives and progress of the group.

(S) W. D. Thompson"

"Enclosure (1)

The National Policy for County Parks and Recreation supported by the National Association of Counties among other statements declares in part under the topical heading "The County and the Private Sector: Some two-thirds of the nation's land is privately owned. Collectively, these lands have an enormous potential for park and recreation development, at private expense, which has been only partially realized. Counties should seek opportunities to stimulate such development. County cooperation should include the provision of access roads, where feasible and traffic volume will justify, to permit the park and recreation development of private lands." The project being proposed in Application No. V14269 is in consonance with the above declaration.

This office has been cognizant for a considerable period of time of the desire on the part of a representative group of persons residing in the Lake Barcroft area to provide further for their own leisure time needs including preservation of open space of which there is all too little remaining in that vicinity. The project which is being considered makes very appropriate use of land which offers only very limited possibilities for any other purpose. The location, type and restricted numbers of permanent structures will provide opportunities for appropriate active and passive leisure time programs for children, youths and adults without unduly interfering with the natural beauty of the area. Currently, there is a dearth of convenient recreational opportunities except those relating to the the lake and these predominately are seasonal in nature. The suggested facilities will add balance to the present community leisure time situation in that indoor activities will be available for the first time and the additional outdoor facilities will provide opportunities for basic recreational programs now missing.

An excellent job of coordinated planning has been done. Consideration has been given to conservation as well as to development. Private enterprise is meeting a special local need in cooperation with governmm t. Multiple use of a tract of land is intended without completely destroying a natural setting. The project actually assists the County in that individuals working together are planning to supply their own recreational demands thus relieving government of some of its responsibilities. As invited the Recreation Department will continue its cooperative technical assistance. This office heartily endorses the concept presented by Lake Barcroft Recreation Center, Inc. in application No. V-14269."

The architect advises that the total designed facility will occupy sixteen per cent of the total acreage, Mr. Waterval added.

Opposition: Mr. John Stephen, member of the Lake Barcroft Community Association stated that he has been a member of the Association and has been active in the past and has been a resident of the area for 13 years. As for being a problem tract, he said the only problem with the tract is what they are proposing to do with it. Many people opposed are not present today due to the short notice and many are on vacation. As a member of the former committee that looked into this tract in the past, he said he could assure the Board that it is not nearly as simple as they may believe that these owners would sell to the highest bidders or whether it could be developed in any of those formidable ways. The reason this has been uniformly rejected in the past is that the citizens in the area do not want it. As to the statement signed by Dr. Murphy -- he swims in the lake himself. That lake is not unhealthy or the Health Department would not allow people to swim there. When they began this project it was a Lake Barcroft project for Lake Barcroft residents -- that is not the way it ended up. It is now planned to take in outside areas because they could not get enough subscribers in Lake Barcroft. If this is approved it could later on take in members from down Columbia Pike. It is not fair to represent to this board that this is because there is a lack of recreational facilities in Lake Barcroft. The use permit application does not list all of these uses -- they are penciled in after the fact and he suggested that this is a much more ambiguous project than what has been pointed out today. He pointed out the access to this property along Whispering Lane; there are single family dwellings in this area, he said, and all of this is being put on the auction block for the sake of this facility.

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The area under consideration is a wooded area, lots of dogwood trees and it is in effect a private bird sanctuary, Mr. Stephen continued. Parcel A will be destroyed. Asphalt and concrete will be substituted for greenery. He is all for teen-age entertainment, he said, but the point is that all of these facilities are available now for anybody who really wants them. This would destroy the character of the area. There would be vandalism, trespassing, undesirable persons, etc.

Mr. Smith asked if there was year-round swimming available for people in the area.

At Starlit Fairways, Mr. Stephen said.

That is not in the immediate area of Lake Barcroft, Mr. Smith stated.

If this project is approved, a whole series of legal actions will be necessary, Mr. Stephen continued, because of the ownership and because of the covenants. Covenants call for it to be maintained for use of the residents of Lake Barcroft in connection with thebeach. The real issue is -- is a putting green used in connection with the beach?

This Board cannot consider covenants, these are legal matters, Mr. Smith said.

Col. Collins, owner of Lot 258, stated that in September 1968 the planning committee for the proposed recreational facility stated that 325 minimum family memberships would be required in order to found the project. In Lake Barcroft there are approximately 1,050 families. After almost one year of intensive door to door campaigning, brochures, etc. only approximately 10 per cent of the people indicated that they favored this facility. He said he would be interested in seeing statistics concerning the feeling and desires of the residents of Lake Barcroft. Much was made earlier today that 114 members of Lake Barcroft had joined. 114 is give or take 10 per cent of Lake Barcroft residents.

Col. Collins presented an opposing petition and several letters.

The reasons for opposing, he continued, are that they fear the vandalism in the area will be increased along with the increased traffic. Introducing 400 people to this small area will result in increased noise. The parking lot is very conducive to racing. Erosion -- if trees are removed this sediment and silt is going to stop at the bottom of the lake.

Mr. Smith assured Col. Collins that if the application were granted, Public Works would see that this would not happen. This is the largest parcel of land the Board has considered for development in this manner. The Board has granted a 600 member swim club in a newly developed subdivision on less than 3 acres of land.

Col. Collins asked whether this property would be leased to other activities.

This would not be permitted if this is granted, Mr. Smith assured him. The only people who could utilize the facility is the area that has been designated.

In some areas such as this where the Park Authority acquires property they make extensive development, Mr. Long stated. They could make this a camping grounds and bring in people from everywhere without a permit. There would be no control over what happens there. Swimming facilities could go there bringing in people from all over the county.

Mr. Paul Kincheloe represented Mr. and Mrs. Conway, living on Whispering Lane, opposite the proposed entrance. (Lot 284) The major problem as they see it is the traffic problem. It appears that 124 of these parking spaces will be located at the Whispering Lane entrance. When this subdivision was built it was not under today's standards and they feel there will be a traffic problem in this location. If more of the parking spaces could be put where the 10 spaces are, this would alleviate some of the problem. A causeway would give direct access across the lake, since it seems that half of the members will come from across the lake. Personally, he said, he would like to see this deferred for more study. He presented an opposing petition with 160 signatures.

Mr. Bernard Shepps, abutting property owner, said that most of the information he had received had been at this meeting. The only prior information he had was from a gentleman who called on him 10 days ago and left some papers on which he had underscored areas of his concern, he said. The paper states that this is to be regarded as by-laws and it does not inform anyone of what the full force of this will be. Someone must distinguish between non-profit and not for profit. The Mulcahys, who live at 3854 Pinewood Terrace, informed him that they were invited along with other non-Labarca people to leave the meeting that was held but they kept their seats and stayed. The Watsons who live at 6854 Oakwood Drive were not notified and Dr. Fred Brook received entierely different information about the subject.

The Corporation has presented to the Board a certificate of incorporation and Articles of Incorporation from Richmond, Mr. Smith said, and part of it was read by Mr. Morrison earlier in the hearing. It is a non-profit corporation and if they don't abide by this they will be in trouble with the Internal Revenue.

Mr. Shepps said the owner of the property is Colonel Barger and he is one of those responsible for closing the lake.

If there are questions of conflict of interest, this should be directed to the community and action should be taken rather than ask that this be done at Board level, Mr. Smith said.

The community has not been informed, Mr. Shepps continued. There are a number of things that have not been addressed -- will there be a steel fence? How high will it be? What will be the nature of the fence? How high will the buildings be? What will be their source of water? What about policing of the area? All of this will be built in bottom land. The area will be subjected to increased flooding. Trees will be blown down if they remove the ones in the middle. The cost does not make it sound much like a community effort -- $400 a year and at least $18 a month.

It is approximately $00 - $450 to join and $100 a year, Mr. Smith said. It sounds high to him, but it is lower than some that have come before the Board. The Board has no authority to refer this back to the community, as suggested by some of the opposition, -- this is up to the applicant.

Mrs. Mary Cooper, 6425 Lakeview Drive, Lot 239, said her lot would be affected by the proposed use of this land. She has 260 ft. bordering Parcel A, on two sides. One of these sides is Beach #2 parking lot which the recreation facility representative assured her would have no parking put in this area. She purchased the land five years ago because of the beauty and peace and quiet. She is recently widowed and feels a very strong responsibility to protect her investment. Her children are very active in the Lake Barcroft Swim Club. She is not trying to stop children from having fun but the lake is only closed one or two times a year, during summer months because of rain, and she personally felt that there was an adequate facility for the children to use. During winter months the lake is frequently used for ice skating. This application does not represent the desires of the people surrounding this parcel. They have not been able to get enough people to sign up within Lake Barcroft to go ahead with this.

The Board has spent two hours on this application, Mr. Smith stated, almost four times the amount of time allocated and in all fairness to the applicants who come after this, the Board must proceed without hearing any more opposition.

Col. Birnbaum, in rebuttal, stated that the owner of the property is under no obligation to keep this wooded land for the use of adjoining owners without cost. This particular area has never been presented to the community association and turned down before, they were other areas. No one can say whether this will or will not add to teenage delinquency. They must provide some kind of recreational facility. There is only swimming for the children in the summer and some ice skating when the lake is frozen over. The statement that most of the people in Lake Barcroft oppose this is not entirely correct -- 300 families have consented to this use in writing and 114 have put up money to get this off the ground. Whenever they start to build, that is when the rest of the people will join. They did not go outside their own community, they felt it was not right, in order to get this started in their community, but the others will be eligible to join on afirst come first served basis. They propose to put up a security fence around the facility. They will not increase the erosion. The swimming facility will be used for meets for young people. There is no proposal of renting out this facility to any other use. Colonel Barger is not in any way involved in either of their corporations.

Mr. Finley told the Board they do not intend to create erosion. They do not intend to create sedimentation or flooding.

The County would not permit them to increase the siltation, Mr. Smith commented. Due to the length of time already spent on this application, he ruled that the hearing of the opposition was completed, but the Board would accept any written exhibits. He asked that those in favor stand -- 44 people stood; 42 stood in opposition. There were 20 people living adjacent to it who stood in opposition.

Mr. Smith recognized for the record telegrams received in opposition to the application: from Curtis Dull, James Wallin, D. C. Lober, one without a name or address, Mr. and Mrs. Victor H. Nash, and some of them mention variance or rezoning, Mr. Smith said. It should be noted that this is not a rezoning and it is not a variance. He noted for the record letters from John and Margaret Moore, Ralph E. Williams, Clara M. and Roy Kessler, Clara Mae Hall, all opposed, though he said some of the reasons stated for their opposition were not relevant. They will be entered in the record. (All are on file in the folder for this case.)

Mr. Long expressed concern about Lot 239 -- would it not be possible for them to relocate the 6 ft. security fence, he asked?

Mr. Waterval agreed that they would adjust the fence at the pleasure of the Board.

Also, the private drive, Mr. Long continued, along Lots 252, 253 and 255 -- could that be maintained 25 ft. off the property lines?

It now follows the existing old rough road, Mr. Waterval said, and if you move the location, it will require removing more trees.

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Mr. Barnes felt the thing to do was to have a meeting between the citizens and the applicant, to iron out some of the problems.

Mr. Yeatman said he knew the property and he moved that the Lake Barcroft Recreation Corp., Inc. be deferred for viewing by the Board to a meeting on September 23 -- no more testimony will be taken. This is only for a vote by the Board. Seconded, Mr. Baker.

Mr. Donald Humphrey submitted a written statement for the record.

The citizens and the applicants should try to have some kind of understanding, Mr. Barnes said, and have one person report on this at the September meeting.

Mr. Yeatman accepted that. Mr. Baker agreed.

Mr. Long asked if they would accept another amendment -- to have the architect re-submit the drawing showing the relocation of the fence and driveway and give the opposition 10 minutes prior to decision on September 23.

Mr. Yeatman and Mr. Baker accepted and agreed that the opposition would be given 10 minutes and the applicant 10 minutes on September 23. Motion carried unanimously.

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DEFERRED CASES

NATIONAL NURSING HOME, app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit erection and operation of nursing home for 150 persons, 2000 Swan Terrace, Mt. Vernon District, (R-10), Map No. 93-1 ((1)) 71, S-78-69

Mr. Knowlton reported that the proposed criteria for nursing homes went before the Planning Commission on July 8. They reviewed it and adopted it with one change which was an additional requirement. This is now awaiting Board of Supervisors action in September. The Board has authority at this time to make a decision based on the information that the Board has available and either grant or deny this unless the Board feels it would be in a better position to make a decision after the Board of Supervisors has acted on the criteria.

They would be willing to reduce their request to 100 beds, Mr. Prendergast offered. They would like to know where they stand.

The only problem Mr. Smith said he could see was that they do not have direct access to a primary highway and traffic must come past an established residential area to get to the nursing home.

The Board's position at the last hearing, Mr. Yeatman recalled, was that they would wait for the Board to adopt some criteria for nursing homes. Since they have not come up with the criteria this application should be deferred again.

Mr. Knowlton said it was his understanding that the Board of Supervisors would hear this during the month of September.

Undue delay would not be fair to the applicant, Mr. Smith stated, and the criteria has been adopted by the Planning Commission.

Mr. Yeatman moved to defer not later than November (first meeting of the Board of Zoning Appeals in November) or sooner if the Board of Supervisors adopts the criteria and it can get on the Board of Zoning Appeals agenda. Seconded, Mr. Baker. Carried unanimously.

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SUN OIL CO., application under Sec. 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed, N. W. corner Rt. 50 and Downs Drive, Centreville District, (C-G), Map No. 34 ((1)) A, B1, V-124-69

Letter from the attorney for the applicant requested deferral to a September meeting as the sewer situation has not yet been solved.

Mr. Yeatman moved to defer to September 23. Seconded, Mr. Long. Carried unanimously.

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V.F.W. POST 8241, INC., application under Sec. 30-7.2.5.1.4 of the Ordinance, to permit Veterans of Foreign Wars Post home and permit variance of setback from property lines, 1051 Spring Hill Road, Dranesville District, (RE-1), Map No. 20-4 ((1)) S-120-69

(Deferred for recommendation from Planning Commission.)

Mr. Smith read the Planning Commission recommendation for a further defegral pending completion of a restudy of the subject area as outlined by the Board of Supervisors on July 9, 1969. This is not quite in keeping with the reasoning for deferfal from the last meeting, Mr. Smith said. This Board had not anticipated a restudy of the entire area.

The Board of Supervisors felt that a restudy of this area was needed, Mr. Pammel explained, and they did that on the basis of this application as well as two pending rezoning applications. This was by unanimous direction of the Board. They anticipate that the restudy will take approximately 90 days to complete.

The Board is only considering this as a temporary use, Mr. Long said, and regardless of what study they make, it is not going to be a study to include this existing building.

Yes, Mr. Knowlton said, it was requested by the Board of Supervisors that this be a more detailed study than they have done in the past for a planning district. The staff is to look at the intersection and the area around it and determine lot by lot where zone lines should be and precisely how the land should be used in order to accomplish the purposes of developing what is necessary in that area.

A community swimming pool could go in on a smaller piece of ground, Mr. Yeatman pointed out, and it would not have to set this distance off the property line. These people have to be 100 ft. off all property lines and it did not make sense to him, he said. Where can they go? There is no place for them to go.

Mr. Knowlton called to the Board's attention that the applicant's justification uses the word "temporary", however, the application is not a temporary use.

This applicant came before the Board on a previous occasion, Mr. Smith recalled; they were told to find another location and come back to the Board. They were told to find something closer to commercial and this is right next door to commercial zoning. The Board held the public hearing on this proposal and deferred action for a recommendation from the Planning Commission and in all fairness to the applicant this application should not be deferred any longer -- it should be granted or denied. If the Board of Supervisors in its wisdom in the restudy sees fit to rezone this land to commercial, he said he was sure the V.F.W. would have no objection to that.

This is a change in the use of the land from a strictly single-family residential use to a community use, Mr. Pammel contended, and it is an activity generator; traffic generator, and substantially more intensive than single-family residential use. The previous application by this group was favorably commented upon by the staff, however, it was later withdrawn.

They were told to do this, Mr. Smith said, in the interests of harmony within the community and they acted in accord with the feelings of the Board of Zoning Appeals. He would be in favor of granting the application with a time limit, he said.

The use permit could be granted for three years, Mr. Long suggested, with a rehearing or a new application after that time and the Board could look at the master plan at that time.

Mr. Knowlton read the staff comments to the Board -- As a large scale commercial center is proposed in the area, consideration should be given to the question of which quadrant would be most desirable for its location as only one quadrant of the intersection of the two roads should be allocated to be developed as a commercial center. The alignment of the two roads suggests that whatever decision is made as to the ideal location of commercial development it is not desirable in the southeast quadrant (the quadrant in which the application is located) because of the proliferation of commercial uses around the intersection of Spring Hill Road and Old Dominion Drive. It would be desirable to create a buffer at the location of this application south of which no commercial development would be allowed. It is therefore desirable to allow the use to be carried on as part of the application. The use of the existing building which would require a variance as to setback is not undesirable. Arrangements should be made, however, to replace the existing structure within a reasonable time so as to relieve the excessively poor location on the lot. While the existing building is close to the side lot line, its proximity to Spring Hill Road should be of more concern. The future building should be built further back from the road and slightly to the north of the center of the lot. Granting of both the variance and special use permit should be made contingent upon dedication of 15 ft. of right of way for further widening of Spring Hill Road. In addition, it would be contingent upon the planting of a row of trees for screening along the south property line. The staff recommends that the application be granted subject to four conditions: that trees be planted for screening on the south property line; that 15 ft. of land along the west property line be dedicated for future widening of Spring Hill Road; that the temporary structure be replaced by a permanent structure at such time as the owners decide such need exists, and that the permanent structure be located so as to have considerably greater front yard setback thanthe temporary structure and approximately equal side yard setbacks with the south side setback being larger than that of the north.

Mr. Smith said he concurred with the staff comments that the building is too close to Spring Hill Road but it is existing and is in use now. The application is for a use permitted in a residential area with a special use permit. It could not have any impact on the adjacent commercial area, and with proper screening it could not affect any adjacent property owners. Spring Hill Road is constructed to take care

of a normal amount of traffic. All of our roads are crowded at times, he said, and these civic groups should not be restricted unless there is some indication of a direct hazard.

Mr. Long made the following motion: In the application of V. F. W. Post 8241, Inc., application under Section 30-7.2.5.1.4 of the Ordinance, to permit Veterans of Foreign Wars Post Home and permit variance of setback from property lines, 1051 Spring Hill Road, Dranesville District, Mr. Long moved that the application be granted for a three year period at which time it could be renewed by the Board. This is granted in conformity with the staff recommendations: 1) that trees be planted for screening along the south property line of the subject property, for the portion of the property that is utilized; 2) that 15 ft. of land be dedicated for road widening - Spring Hill Road, and 3) that at such time as this temporary structure is replaced, that a new use permit be required and that the required variances be granted as applied for. All other requirements of the Ordinance shall be met. This will not be valid until such time as an occupancy permit has been granted. Seconded, Mr. Barnes. Carried unanimously.

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AVON ROAD CORP., app. under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station (Mt. Vernon Plaza), Fordson Road, near its intersection with U. S. #1, Lee District, (C-D), Map No. 92-4, 101-2 ((1)) 12A, S-135-69

Mr. Smith noted the Planning Commission recommendation for deferral in order that the site plan could be presented and reviewed by the Planning Engineer.

Mr. Knowlton explained that there was a mix-up between the applicant and himself at the Planning Commission meeting. He had checked Mr. Chilton's records and found there was no site plan filed on this application. Since that time he found that the records he checked were partly in error. Site plan has been submitted for a shopping center which contains several sizeable stores and which would be a sizeable shopping center. There was an area that was excluded from the site plan for a separate site plan to cover this service station which is proposed in connection with the site plan. On the site plan there is a major entrance which would serve a major store and somewhere in the vicinity is a proposed road which would come through and serve the shopping center from the other end.

Mr. Crounse stated that site plan was submitted for the Mount Vernon Plaza shopping center and agreements were made between the Board of Supervisors and the applicant. They are going to acquire access from this property through the triangle onto Route 1 -- that will be one access. The other access as the staff has pointed out, is down at the lower end. They received preliminary approval on the site plan to begin work on the Zayre store which is a part of this complex. The entire complex is being built as a unit. It is all to be completed and have a grand opening by spring of next year. This will be a Gulf station with rear entry bays.

The staff was concerned that the only way to get to the service station was through the parking lot for the shopping center, Mr. Knowlton stated. Now there is another proposal that if the applicant cannot acquire the access the County will condemn it for them at their expense.

Mr. Smith asked to see a copy of the agreement, but Mr. Crounse said he did not have it, it is in the County Executive's office. This definitely is a part of the site plan that was approved. They cannot open till the road is acquired. They will build the entire shopping center and open it all at the same time.

Mr. Smith suggested deferring action till such time as they have all of this information placed in the folder. The road situation is very important.

Mr. Crounse said he would ask Mr. Chilton to send a letter to the Board stating that the site plan meets their approval.

Mr. Smith said he would like to see a site plan including the service station and the proposed dimensions. He would like to get a clear overall picture of the development of the shopping center including the service station.

It would be a simple matter for the engineer to incorporate this drawing to see how the traffic will be channeled into the service station, Mr. Long suggested. He would like to see a rendering of the overall development, he said.

It is planned Colonial, Mr. Crounse stated. The entire shopping center will be of Colonial design.

No opposition.

Mr. Yeatman moved to defer to August 1 for the Planning Commission recommendation and for additional information as outlined to the applicant. Seconded, Mr. Barnes. Carried unanimously.

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August 1, 1969

ANITA HOLLIS LAUGHLIN - Ctd.

children allowed in two years, 8410 Old Dominion Drive, Dranesville District, (RE-2) Map 20-1 ((1)) 21, S-150-69

Mrs. Laughlin stated that she has been doing a great deal of work in the community and has found that her most effective work was done in her home. She has given classes and worked on a paid basis for the Recreation Department for the past few years. It is difficult to get a central location for materials and preparation and creating her projects. She would like permission to have classes in her home for up to 30 students at a time. The Fire Marshall has not made his inspection yet but she would be subject to their restrictions. There is a possibility that septic facilities will have to be expanded. The present recreation room is about 20' x 20' and they have had rehearsals this year for a play on a voluntary basis. She would like to have permission for 18 students in the present facility and up to 30 in the expanded facility, and the expansion would take place within two years. The house is about 70 ft. long at the present time.

The plat does not show distance from Old Dominion Drive, Mr. Smith said, and the Board would need a certified plat showing the exact size of the proposed addition, and distance from the road.

This could be done and the room could be smaller, Mrs. Laughlin agreed. They do not intend to have children brought in cars -- they would come in buses from different P.T.A. groups. Some would come in car pools or walk. Classes would be held after school and on Saturdays. She would also like permission to have workshops -- these are performances. Large performances would be given at the school but the workshops would probably have around 100 people after they expand the facilities.

This is entirely out of the question, Mr. Smith said. Instruction might be allowed but not workshops. This would be out of keeping with the residential character of the area. The criteria for construction, size, etc. for public assembly rooms is far different from residential, too.

Normally for instruction there would be approximately 30 students per day, six days a week, and during summer, classes would be held in morning or afternoon, Mrs. Laughlin said. During the school year it would be from 4 to 6 p.m. There would be no operation on Sundays. Normal age would be 5 through 14. The people over age 14 are the ones who help her in other ways than having instruction. Sometimes she gives instruction in folk dancing to children who are older. She would like to be able to teach folk dancing to adults.

This use permit would not cover that, Mr. Smith said. If you have any changes you would have to come back to the Board. Site plan approval will be necessary and the Board should require four asphalted parking spaces.

If the older age group is going to be included, Mr. Long suggested, eight parking spaces should be provided.

Rather than be obligated to providing a large amount of parking, Mrs. Laughlin offered to cut down on the age group.

No opposition was present, however, several neighbors expressed concern about safety of the children crossing the road and about cars stopping on the shoulder of the road to let children out. Those who spoke regarding safety were Mrs. Evelyn Shannon, Mrs. Emmett Beltwell and Mrs. Margaret Manhart.

Mr. Smith assured them if the children come by bus or car they must be let out on the property. Unfortunately, the Board does not have authority to say how the walking population gets there but in view of the hazards brought out, Mrs. Laughlin should see that no one walks on Old Dominion. The addition cannot be built until the applicant comes back to the Board. Classes should be no more than 20 students including instructors, between 10 a.m. and 6 p.m. -- no more than 20 people in the building at a time and this includes visitors. This permit is for the existing structure only. At such time as the addition is proposed a new application will be necessary.

In the application of Anita Hollis Laughlin, application under Section 30-7.2.6.1.3 of the Ordinance, to permit children's theatre studio to be used for classes and performances, including creative and folk music, drama and dance, all ages, activities to be educational rather than commercial in purpose, with permission to expand facilities and number of children allowed in two years, 8410 Old Dominion Drive, Dranesville District, Mr. Long moved that the application be granted in part: to permit children's theatre for classes and instruction only, ages 5 through 14, 6 days a week, 10 a.m. to 6 p.m. and no more than 20 people, including instructors, in the building at any one time. Eight parking spaces are to be provided on site. This permit is for the existing structure only. At such time as any addition is made, a new use permit and review by this Board will be required. Any decication required by the Planning Engineer on Old Dominion Drive shall be made. All provisions of the County Ordinance and building code shall be met. This shall not become a valid use until occupancy permit has been obtained. If the staff sees fit to waive any part of the site plan they may do so; he would withdraw his statement that this should have site plan approval. Seconded, Mr. Yeatman. Carried unanimously.

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A regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Friday, August 1, 1969 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Barnes who was absent. Mr. Daniel Smith, Chairman, presided.

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

EDWARD M. & MARGARET C. PERKINS, application under Section 30-6.6 of the Ordinance, to construct addition closer to street property line than allowed by Ordinance, 2351 Oak St., Daniels Subdv., Dranesville District, (R-10), Map 40-4 ((14)) (2) 1, V-144-69

Mr. Perkins stated that his wife has an arthritic condition that flares up and there is no cure for it and he would like to enlarge the existing porch, enclosing it for his wife's convenience. This addition would not interfere with sight distance on the corner. The existing porch is already screened in and they would like to extend it out even with the patio and glass it in. He has owned the property since 1939, Mr. Perkins continued. He built the house himself and there is no other place on the lot to put a porch.

One of the big factors is the narrowness of the lot, Mr. Smith pointed out. This is an old subdivision. If the application is granted, it should be based on the narrowness of the lot and for no other reason. This is a situation the Board gets frequently, where people want to expand their small homes and continue to live there.

No opposition.

In the application of Edward M. & Margaret C. Perkins, application under Section 30-6.6 of the Ordinance, to construct an addition closer to street property line than allowed by the Ordinance, 2351 Oak Street, Daniels Subdivision, Dranesville District, Mr. Yeatman moved that the application be granted to allow this porch to be enclosed and come within 14.7 ft. of the property line, and that the applicant meet all the building codes of Fairfax County. Seconded, Mr. Baker. Carried unanimously.

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ROBERT S. PARKER, application under Section 30-6.6 of the Ordinance, to permit variance for construction of bedroom and bath over existing garage, 3406 Gallows Road, Mason District, (RE 0.5), Map No. 59-2 ((1)) 31, V-145-69

Mr. Parker stated that the lot contains one acre and is a part of the Sherman subdivision. He would like to raise the roof on the existing garage and provide for a bedroom and bath. The garage presently sits down below the house on grade. The bottom part of the garage would be made into a storage area. The request is for a variance to come within 2 1/2 ft. of the property line. This is a detached garage which was built about 25 years ago. He has lived on the lot for about ten years. The carport shown on the plat was existing when he bought the property.

The Ordinance prohibits two dwellings on one lot and that is what this amounts to, Mr. Smith pointed out. If this garage were attached to the dwelling it would be a different situation. The carport and garage are non-conforming at this point and the Board does not have authority to permit additional construction on a non-conforming building that would enlarge the non-conformance. The only addition the Board could authorize would be to the house.

It would not be practical to put an addition on the house, Mr. Parker said. It is of contemporary style and does not lend itself to an addition. The lot is sloping and drains in the rear.

Could the carport be removed, Mr. Long asked?

Mr. Parker said he would remove the carport.

Mr. Smith asked if a guest house were permitted on a one acre lot.

Mr. Woodson said it would not be permitted -- two acres is the minimum. Some do exist in the County which were built before the Ordinance went into effect.

Perhaps there is some way to divide the parcel and construct another house in conformance with the Ordinance, Mr. Smith suggested.

Mr. Parker said the lot is very narrow and tapers off in the rear.

Mr. Knowlton informed the Board that it was his understanding that the carport has a roof which extends to or beyond the property line and drainage from the roof falls onto adjacent property.

If this is true, Mr. Smith said, the owner would have to correct this anyway, but it would be a civil case. It might be a good idea for the Board to stay out of it other than bring it to the attention of the Public Works staff. He could cut the roof back within 4 ft. of the property line and make it conforming. This is an unusual request.

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Opposition: Mr. Larson, next door neighbor, said their only opposition would be lack of privacy imposed on their house. Their bedroom is only 20 ft. from the property line. He discussed the drainage problems on his lot and the water that comes off the highway since there is no drainage ditch along the road and water pours onto his land. He bought his land from Mr. Parker, he said. He has not complained about the drainage from the carport roof but if another addition is allowed, he feared more water would be dumped on his lot.

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Mr. Yeatman said he felt Mr. Parker should be allowed more time to give further consideration to this problem and see if he could work out something for putting an addition on the house, perhaps with an architect's or engineer's help. He moved to defer to October 14. Seconded, Mr. Baker. Carried unanimously.

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RUNYON & HUNTLEY, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to property line than allowed by Ordinance, 6326 Little River Turnpike, Mason District, (C-N), Map No. 72-4 ((1)) 9, V-146-69

Mr. Knowlton located the property and told the Board there was a previous application for a Lum's Restaurant on this parcel and it was granted, with an extension specifically for a Lum's Restaurant. This is the same thing, but different owners. The Lord Hardwicke Inn will occupy this property.

Mr. Deck represented the applicant. This is an English based operation with a beer license, he explained, and it will be primarily a roast beef house. The building will be 75 ft. x 40 ft.

Mr. Yeatman was concerned that odors might arise from the restaurant to affect the apartment dwellers in back of this. A previous application for a pizza house on this property had this same problem discussed.

Mr. Deck said they would do everything possible to eliminate odors which might bother the apartment residents. The operators of Lord Hardwicke are basically the same people who were with Lum's and have formed their own corporation.

Who actually owns the land, Mr. Smith asked?

It is in the name of Herbert Morgan, Joseph Latshaw and others, Mr. Deck said, and Lord Hardwicke is the contract owner. He did not have a copy of the contract with him.

Mr. Smith said he did not feel that the application should have been made in the names of Runyon & Huntley -- they are only the engineers, he said, and nowhere on the application does the name of the owner appear. He would also like to see a picture of the proposed building, he said.

Lord Hardwicke, Inc. is the parent corporation, Mr. Deck explained. He presented a copy of the agreement of sale. Earl of Hardwicke of Virginia, Inc., is a subsidiary of Lord Hardwicke.

Mr. Knowlton suggested having the applicant fill out a new application form for the folder.

Mr. Melvin Love represented Charles E. Smith, property manager of Orlean Village Apartments. He presented a copy of a letter to Mr. Runyon from Charles E. Smith, for the record.

Was the stockade fence erected by the apartment owners, Mr. Yeatman asked?

Mr. Love said he did not know. He has only been managing the property for 1 1/2 years. Mr. Glassman who is in charge of this particular operation has asked for a 6 ft. fence (solid fence) to screen the new building from the apartments and they would hope it would be an attractive fence, he said.

Mr. Knowlton reminded the Board that the old County standard for screening is still a stockade fence. They constantly give problems because they are not permanent fences unless you go to a great deal of trouble to maintain them. The Board can waive the requirement or require something additional. They could even require a brick wall and forget about the planting. They know from experience that the eastern red cedars normally required will not survive next to a brick wall because the heat reflected off the wall will kill them. Experience has also shown that 12 ft. between the fence and the property line becomes a no-man's land which no one maintains.

Mr. Yeatman moved that the application be deferred to September 23 for a copy of the Virginia corporation papers and new plats along with a new application and sketch of the proposed building design showing the brick fence possibly 7 ft. in height to blend in with the type of building. Seconded, Mr. Long.

This is granting a 12 ft. waiver on the screening setback and the applicant is getting the use of more land, Mr. Smith pointed out. This is an unusual lot and has been a real problem trying to develop it. The Board has spent many hours trying to bring about some type of development. Carried unanimously.

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BETTY MACK, application under Section 30-6.6 of the Ordinance, to allow construction on lot with less than required lot width, 2005 Collingwood Road, Mt. Vernon District, (R-12.5), Map No. 102-3 ((1)) 10, V-147-69

Mr. Jerry Dorsey, 424 Ridge Road, S. E., Washington, D. C. and Mrs. Mack's foster son, represented the applicant. Mr. Dorsey said he did not have the required notices.

Mr. Harlan Fraley, representing the contract purchaser of the property, said the notices were in his office. There is a deteriorated house on the property which is of no value.

Mr. Dorsey stated that Mrs. Mack is 89 years of age, blind and crippled, and wants to sell the land. She is not going to build any houses, she just wants to sell the land.

The question before the Board, Mr. Knowlton stated, is that the lot does not meet the frontage requirements and if a variance is granted, it will allow the applicant the privilege of conveying the land.

How many houses are going to be constructed, Mr. Smith asked? How many lots are going to be here? If more than one house is to be constructed the Board should know about it. This is in an R-12.5 zone and there are two acres of land involved.

There is no way to divide the property without coming back for a variance on the frontage of the two lots, Mr. Knowlton told the Board. It is pretty well tied down to what is shown on the plat, being one lot, making it a legal lot so it can be conveyed. There have been a series of events, cutting a piece of land in various parts. This was created more or less as a residue and it is a problem of bringing the residence into some kind of conformance so it can be conveyed. There was a piece cut off and sold and another piece cut off and this is what was left which does not conform to the frontage requirements of the lot. It is a question of bringing the lot into conformity.

Are these other lots of record, Mr. Smith asked?

Yes, Mr. Knowlton answered, to the best of his knowledge. They were cut out of this tract last fall.

Mr. Fraley explained that Mr. Chilton has proposed to the County Board to approve this as a subdivision, thereby waiving these parcels that have been transferred after the subdivision ordinance. He is requesting a 50 ft. right of way on the east of this property so a street can be installed, if necessary.

If the street goes in, Mr. Fraley added, they would put more than one house on the property.

The 50 ft. street does not show on the plat, Mr. Smith said, and these are things the Board should know about. If the street goes it, it seems that other variances would be necessary. The Board should have some clarification from the Planning Engineer and wait till the Board of Supervisors has considered this to see what their stipulations are. This Board should not take any action till the Board of Supervisors has acted.

Mr. Yeatman moved to defer for proper notices and also not to hear this until the Board of Supervisors has recognized this as a legal subdivision. Mr. Fraley and Mr. Dorsey should be notified of the new hearing date. Seconded, Mr. Baker. Carried unanimously.

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RICHARD S. SEELEY, app. under Section 30-6.6 of the Ordinance, to allow construction of pool closer to side and rear property lines than allowed by Ordinance, 6116 Telegraph Road, Lee District, (R-12.5), Map 82-4 ((14)) (16) 46, V-148-69

Mr. Seeley told the Board that he signed a contract with the pool manufacturer and he came back tohim stating that he could not get a building permit because he had to stay 12 ft. from the side line and 25 ft. from the rear. The contract was for a 20' x 40' pool and if the pool was put in with a 12 ft. side yard, it would give him a one foot coping and 1/2 ft. of space next to the house. That would be right up against the house, and going toward the footings, he said. The pool manufacturer explained to him, Mr. Seeley continued, that the fiberglass comes in 10 ft. sections. 10 ft. wide is not very large and he could have a 10' x 20' or 10' x 30' pool.

Mr. Smith asked Mr. Seeley how he could justify a variance in this case. Maybe the pool is too large for the lot. The Board has been denying variances for pools in the past. He said he agreed with the applicant, but the Board has to abide by the Ordinance.

How long has the applicant lived here, Mr. Yeatman asked?

Mr. Seeley replied -- eight years. When he contracted for the pool there was supposed to be a patio of 3 ft. besides the 1 ft. coping and he is being deprived of the patio space -- this seems to be a hardship. He showed the Board a copy of his contract with O'Haro Swimming Pool Company.

If this were a cluster subdivision, Mr. Smith noted, he could come within 8 ft. on one side as long as both side yards equal 20 ft., but the 25 ft. rear setback is required even in cluster zoning.

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Mr. Knowlton suggested moving the pool forward 4 1/2 ft.

The Board could possibly give a 1 ft. variance in the rear, Mr. Smith said. The Board has to consider a minimum rather than maximum under the terms of the Ordinance. Is there any thought of covering the pool, he asked?

No, Mr. Seeley replied.

He could have a 19' x 30' pool, Mr. Smith continued, or if he wants a 20 ft. pool, he would have to eliminate 1 ft. of this deck. He said he was in sympathy with people who want to construct pools for family recreation and the Ordinance does not allow it.

No opposition.

In the application of Richard S. Seeley, application under Section 30-6.6 of the Ordinance, to allow construction of pool closer to side and rear property lines than allowed by the Ordinance, 6116 Telegraph Road, Lee District, Mr. Long moved that the application be granted in part to allow pool construction 9.8 ft. from side line and 20.4 ft. from rear line. Seconded, Mr. Baker. Mr. Yeatman asked that the motion be amended to require the applicant to place a 6 ft. stockade fence along the side line and across the rear to hide the view of the pool from the neighbors. This was accepted by the mover and seconder. Carried unanimously.

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EWELL G. MOORE, JR., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, 8318 Hooes Road, Springfield District, (C-N), Map No. 89-3 ((1)) pt. 24, S-149-69

Mr. John Aylor represented the applicant. The whole shopping center complex was zoned Rural Business in 1941, he said. When the County adopted the new designations it was shown as C-N. The property was acquired several years ago and Mr. Moore paid a commercial price for it. Sewer and water are available and there are no drainage problems. With regard to need for a service station in this area, Mr. Pickett (and Mr. Moore who is tied up in court today) contacted a number of people in the vicinity, none of whom are more than one mile away. They have 132 signatures in favor of the use permit and 140 who do not have any objections to it. The only other station is at Rolling Road and Old Keene Mill Road 2.7 miles from this particular site. Immediately to the north of this are 600 homes being developed. They cannot get to Keene Mill Road. They have to come down Hooes or Sydenstricker and they propose to build a street from Hooes Road to Rolling Valley. They have already dedicated a street to the rear of the property in question. In Keene Mill Station are 135 families who have to go out this road to get wherever they are going. 735 families would come down this road and be able to get to this particular station so a new road would serve many purposes from the standpoint of eliminating a lot of driving for these people and make it more convenient for them to get out. This would not cause through traffic to go out Gambrills Road because there is no provision for a bridge to go across the creek.

Regarding the basic standards for use permits, Mr. Aylor continued, traffic was mentioned. Along this area there is good sight distance. It is fairly level. This location would not increase traffic hazards. They propose to dedicate in front of this the usual number of feet required by the County. These subdivisions building up the road are putting in a four lane road. As to being harmonious with the area, immediately east of the property is a 7-Eleven Store under construction. They made a study of various 7-Eleven stores located west of Gallows Road and found that 25 of them are located immediately adjacent to service station.

Mr. Aylor showed a drawing of what the proposed station would look like -- it would be of Colonial design with dormer windows in front, and three bays open in the back. There is one located in McLean.

No opposition.

There is a great need for a station in this area, Mr. Yeatman said and that is where these stations should be put. This will be an asset as long as they do not have tires and junked cars on the property, and no U'Hauls. Keep it beautiful, he said.

Mr. Smith read the Planning Commission recommendation for approval.

In the application of Ewell G. Moore, Jr., application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operationof service station, 8318 Hooes Road, Springfield District, Mr. Yeatman moved that the application be granted and that this be a three bay station with rear entries, Colonial design, and for gasoline and service station use only. Site plan will be required for this use and dedication to the rear of the sidewalk made a condition of this granting. No occupancy permit shall be granted until all of these provisions are met. Seconded, Mr. Baker. Carried unanimously.

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ANITA HOLLIS LAUGHLIN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit children's theatre studio, to be used for classes and performances including creative and folk music, drama and dance, all ages, activities to be educational rather than commercial in purpose, with permission to expand facilities and number of

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ANITA HOLLIS LAUGHLIN - Ctd.

children allowed in two years, 8410 Old Dominion Drive, Dranesville District, (RE-2) Map 20-1 ((1)) 21, S-150-69

Mrs. Laughlin stated that she has been doing a great deal of work in the community and has found that her most effective work was done in her home. She has given classes and worked on a paid basis for the Recreation Department for the past few years. It is difficult to get a central location for materials and preparation and creating her projects. She would like permission to have classes in her home for up to 30 students at a time. The Fire Marshall has not made his inspection yet but she would be subject to their restrictions. There is a possibility that septic facilities will have to be expanded. The present recreation room is about 20' x 20' and they have had rehearsals this year for a play on a voluntary basis. She would like to have permission for 18 students in the present facility and up to 30 in the expanded facility, and the expansion would take place within two years. The house is about 70 ft. long at the present time.

The plat does not show distance from Old Dominion Drive, Mr. Smith said, and the Board would need a certified plat showing the exact size of the proposed addition, and distance from the road.

This could be done and the room could be smaller, Mrs. Laughlin agreed. They do not intend to have children brought in cars -- they would come in buses from different P.T.A. groups. Some would come in car pools or walk. Classes would be held after school and on Saturdays. She would also like permission to have workshops -- these are performances. Large performances would be given at the school but the workshops would probably have around 100 people after they expand the facilities.

This is entirely out of the question, Mr. Smith said. Instruction might be allowed but not workshops. This would be out of keeping with the residential character of the area. The criteria for construction, size, etc. for public assembly rooms is far different from residential, too.

Normally for instruction there would be approximately 30 students per day, six days a week, and during summer, classes would be held in morning or afternoon, Mrs. Laughlin said. During the school year it would be from 4 to 6 p.m. There would be no operation on Sundays. Normal age would be 5 through 14. The people over age 14 are the ones who help her in other ways than having instruction. Sometimes she gives instruction in folk dancing to children who are older. She would like to be able to teach folk dancing to adults.

This use permit would not cover that, Mr. Smith said. If you have any changes you would have to come back to the Board. Site plan approval will be necessary and the Board should require four asphalted parking spaces.

If the older age group is going to be included, Mr. Long suggested, eight parking spaces should be provided.

Rather than be obligated to providing a large amount of parking, Mrs. Laughlin offered to cut down on the age group.

No opposition was present, however, several neighbors expressed concern about safety of the children crossing the road and about cars stopping on the shoulder of the road to let children out. Those who spoke regarding safety were Mrs. Evelyn Shannon, Mrs. Emmett Beltwell and Mrs. Margaret Manhart.

Mr. Smith assured them if the children come by bus or car they must be let out on the property. Unfortunately, the Board does not have authority to say how the walking population gets there but in view of the hazards brought out, Mrs. Laughlin should see that no one walks on Old Dominion. The addition cannot be built until the applicant comes back to the Board. Classes should be no more than 20 students including instructors, between 10 a.m. and 6 p.m. -- no more than 20 people in the building at a time and this includes visitors. This permit is for the existing structure only. At such time as the addition is proposed a new application will be necessary.

In the application of Anita Hollis Laughlin, application under Section 30-7.2.6.1.3 of the Ordinance, to permit children's theatre studio to be used for classes and performances, including creative and folk music, drama and dance, all ages, activities to be educational rather than commercial in purpose, with permission to expand facilities and number of children allowed in two years, 8410 Old Dominion Drive, Dranesville District, Mr. Long moved that the application be granted in part: to permit children's theatre for classes and instruction only, ages 5 through 14, 6 days a week, 10 a.m. to 6 p.m. and no more than 20 people, including instructors, in the building at any one time. Eight parking spaces are to be provided on site. This permit is for the existing structure only. At such time as any addition is made, a new use permit and review by this Board will be required. Any decication required by the Planning Engineer on Old Dominion Drive shall be made. All provisions of the County Ordinance and building code shall be met. This shall not become a valid use until occupancy permit has been obtained. If the staff sees fit to waive any part of the site plan they may do so; he would withdraw his statement that this should have site plan approval. Seconded, Mr. Yeatman. Carried unanimously.

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COUNTY OF FAIRFAX, application to permit erection of radio tower 100 ft. high on N. W. corner of N. Kings Highway and Poag Street, Lot 2, Poag Heights, 6210 N. Kings Hwy., Lee District, Groveton Police Substation, Map 83-3 ((11)) 2, S-159-69

COUNTY OF FAIRFAX, application to permit erection of radio tower 100 ft. high on N.W. corner of Ravensworth Road and McWhorter Place, Annandale Police Substation, 4327 Ravensworth Road, Annandale District, Map 7101 ((1)) 22, S-160-69

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Letter from Mr. Lewis requested deferral.

Mr. Baker moved to grant the request and defer to September 9. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES:

CHRYSLER REALTY CORPORATION, application under Section 30-7.2.2.1.6 of the Ordinance, to permit construction and dedication of sanitary sewer pumping station, Leesburg Pike and Dulles Access Road, Dranesville District, (I-P and I-L), Map 29-1 ((1)) 16, S-118-69

(Deferred from the original hearing for recommendation from the Planning Commission.)

Mr. Smith read the Planning Commission recommendation for approval.

In the application of Chrysler Realty Corporation, application under Section 30-7.2.2.1.6 of the Ordinance, to permit construction and decication of sanitary sewer pumping station, Leesburg Pike and Dulles Access Road, Dranesville District, Mr. Yeatman moved that the application be approved. The Planning Commission has considered this and feels that it is adequate to serve the entire quadrant. All other provisions of the County Ordinance are to be met. Seconded, Mr. Baker. Carried unanimously.

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WOODLAKE TOWERS, INC., app. under Sec. 30-2.2.2, Schedule of Regulations, Column 2, to permit all commercial facilities listed in Column 2 for RM-2 districts, 6001 Arlington Boulevard, Mason District, (RM-2M), Map 51-4 ((1)) pt. 14, S-125-69

Mr. Stephen Best represented the applicant. Part of the land is in Arlington, he said, but all the land on which the apartment building is being constructed is in Fairfax County. There used to be a driving range on this property. This will be a ten story building with above ground parking. The proposed uses will be service type facilities for the benefit of the tenants in the apartments, such as pick-up dry cleaning and laundry service, barber shop, drug area, perhaps -- and they have also had interest expressed for a dentist and doctor such as the Board granted recently in the Cavalier Club Apartments.

The architect described the location of these facilities as one story below the entrance to the building. There is only one proposed window and entrance down at the corner of the building that can be seen from Arlington Boulevard. It is a "T" shaped building, 290 ft. long.

Dentists and doctors have x-ray equipment and special conditions have to met for them, Mr. Smith stated. The applicant should bring in a plan when he gets ready for the doctor and dentist to go in. Under certain conditions a doctor or dentist could be allowed but the number of x-ray machines and type of equipment used by him would have a bearing on the application. The Board in granting the other application referred to, made it mandatory that the applicant bring in separate electrical service for these specific types of machines and made special provisions for the x-ray area. The dentist or doctor's equipment could in some degree interfere with other tenants if this is not properly handled.

What they are asking for here is in the first building, the architect explained. They will probably have two buildings because of some site problems and in the second building there will probably be some underground parking.

No opposition.

In the application of Woodlake Towers, Inc., application under Section 30-2.2.2 of the Ordinance, Schedule of Regulations, Column 2, to permit all commercial facilities listed in Column 2 for RM-2 districts, 6001 Arlington Boulevard, Mason District, Mr. Yeatman moved that the application be granted with the following provisions: this will be on the lower floor of this building and it would be for all of the commercial facilities that can go in as listed in column 2 and if they get a doctor or dentist they must come in with a plan showing where the x-ray rooms, etc. will be, to get this Board's approval. Pickup dry cleaning is an essential part and would be covered by "valet shop". There shall be no operation until they have obtained an occupancy permit for each business. Seconded, Mr. Long. Carried unanimously. (The applicant agreed to provide the Board a plat showing the location of each use in this lower level 6,000 sq. ft.)

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August 1, 1969

AVON ROAD CORP., app. under Sec. 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station (Mt. Vernon Plaza), Fordson Road near its intersection with U. S. #1, Lee District, (C-D), Map No. 92-4, 101-2 ((1)) 12A, S-135-69 (deferred from July 22)

Mr. Crounse reminded the Board that the application was deferred for two things: (1) an agreement which has been made with the County providing additional access from the site to Route 1 -- that has been submitted and is in the folder -- and, (2) a new site plan showing the location of the station on the overall site plan for the shopping center. He presented four copies of that.

Mr. Smith read the Planning Commission recommendation for approval.

A third thing the Board wanted to know, Mr. Crounse said, was the composition of the building -- would the composition of the shopping center be carried through? The applicant advises that it is steel and masonry with Colonial brick front. The service station will be constructed similarly, the same as the rest of the development. It will be a three bay Colonial design brick construction service station, with rear entry bays. At such time as the right of way is to go through the applicant will work with Bargain City and allow it to be put there.

Zayre will be built first, Mr. Crounse continued, and the rest of the entire complex will be built at the same time with the same materials.

It should be understood, Mr. Smith said, that the entire service station, front, rear and sides, will be of brick exterior Colonial design and will conform to the brick construction of the adjacent supermarket, etc.

In the application of Avon Road Corporation, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of service station, located on Fordson Road near its intersection with U. S. #1 (Mt. Vernon Plaza), Lee District, Mr. Yeatman moved that the application be granted with the following provisions: that the station be built of architectural masonry brick like the supermarket, Zayre store, etc. and all four walls of this be of brick masonry construction. All provisions of the Ordinance shall be met. The station will be placed in the location as shown on site plan dated June 1969, sheet 6 or 34, by Massey Engineers. Seconded, Mr. Baker. Carried unanimously.

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Mr. Chilton came before the Board to point out a problem he was faced with in reviewing the site plan for the Roach school in Leewood Subdivision which was granted by the Board in March 1969. In April there was a rehearing and the Board's decision was reaffirmed at this time. There was considerable opposition in the area and one of the points that was raised was by Mr. Bockman who was concerned about the school and the planned town houses for this area and he was assured by Mrs. Henderson that if the school were granted, it would be completely fenced. However, in the motion granting the application no reference was made to a fence. Site plan is submitted and does not show a fence. The applicant did not promise he would put in a fence -- he was required by law to have 10,000 sq. ft. fenced and he has more than an acre.

There is a requirement that all play area be fenced, Mr. Smith said, and the Board should take action today to see that all play area in connection with the school has to be fenced. Children could not utilize any of the area outside of the fenced area.

When he voted for the motion, Mr. Yeatman said, he was under the impression that the property was going to be fenced. It might have been left out of the motion but there was a lot of discussion about a fence. He moved that the Board add to the motion that the applicant fence 10,000 sq. ft. of play area which was the intent of the motion granting the application. No other area will be used for children as play area except this fenced area. Seconded, Mr. Baker. Mr. Yeatman added that this be a chain link fence, 48 inches in height. Accepted by Mr. Baker. Carried unanimously.

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Mr. Yeatman moved that the minutes through July 8, 1969 be approved. Seconded, Mr. Long. Carried unanimously.

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Mr. Smith read a letter addressed to him from Mr. Fred Babson regarding a letter from Mr. and Mrs. Nash of Lake Barcroft on the application of Lake Barcroft Recreation Center, Inc. Mr. Smith said he would answer the letter and send a copy to Mr. Babson.

The meeting adjourned at 3:15 p.m.
By Betty Haines, Clerk

Daniel Smith
Daniel Smith, Chairman

Sept. 9, 1969
Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, September 9, 1969 in the Board Room of the Fairfax County Courthouse. All members were present: Mr. Daniel Smith, Chairman, presiding, Messrs. Clarence Yeatman, Richard Long, George Barnes and Joseph Baker.

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

Mr. Yeatman moved that the minutes of July 22 and August 1 be approved as recorded. Seconded, Mr. Baker. Carried unanimously.

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Mr. Knowlton reminded the Board that November 11 is Armistice Day and a regular meeting of the Board falls on that day, and November 4 is election day. The Board set meetings for November for the 7th, 18th and 25th.

Mr. Knowlton brought up the subject of McLean Boys Club, requesting an out of turn hearing for use of the athletic fields owned by the County Board of Supervisors. The Board agreed to hear this matter on September 23 if there is time for proper advertising and posting.

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DARREL D. WOODS, application under Sec.30-6.6 of the Ordinance, to permit 5.58 ft. variance on the front of existing structure facing Olm Dr., Lot 20, Section 1, Fairwood Acres, Lee District, (RE-1), Map No. 77 ((5)) 20, V-150-69

Mr. Woods explained that he wished to construct a 15'x18' addition on the front of the existing house. Due to the terrain it would be very difficult to put it on the back and the septic tank is located on the end of the house which makes it impossible to build on that side.

Mr. Smith objected to the location of the septic field not being shown on the plats -- this is a requirement of the Board, he said.

Mr. Woods pointed out the location of the well behind the back corner of the carport.

The screened porch would be closed in, Mr. Woods continued, for a living room and dining room. In the front would be the master bedroom with a bath.

Mr. Smith said he felt the request was for the applicant's convenience. The Board in the past has been very reluctant to grant variances on the front setback, especially in cases where there is more than one acre of land involved.

Mr. Yeatman thought this a reasonable request -- it would not interfere with the sight distance, he said.

Mr. Woods said the addition would have an A-roof and would be a single-story addition.

Normally there is a 100 ft. requirement between the septic and well location, Mr. Smith said, and this is less than that. He would like to see a certified plat showing the location of the septic field and well before making a decision and be assured that there is no alternate location for the proposed addition. Why couldn't it be placed in the rear of the house?

Mr. Woods replied that he just put the basement under this house last December and he has a patio under construction in the rear of the house. It will be a sunken patio and putting the addition on the back of the house would mean he would have to make a two story structure out of it and putting in a hallway would mean losing a bedroom.

The house is brick facing only on the front with asbestos shingles on the rest of it. The addition will be aluminum siding and the carport would be enclosed with aluminum siding, Mr. Woods said.

No opposition.

In the application of DARREL D. WOODS, app. under Sec. 30-6.6 of the Ordinance, to permit 5.58 ft. variance on the front of existing structure facing Olm Drive, Lot 20, Section 1, Fairwood Acres, Lee District, Mr. Yeatman moved that the application be granted according to plat presented because of the topography of the property, and the testimony shows that the septic field is on one side of the house, and the well which prevents him from going on the side of the property. This is on a 46,714 sq. ft. lot and the house will still be 44.92 ft. from the road. There is a 50 ft. wide right of way in this area now so the chances of widening of this road are practically nil. The permit will be subject to the applicant presenting to the Zoning Administrator a plat showing the location of the septic field, septic tank and well as the plats presented today do not show that information. All other provisions of the Ordinance shall be met. The addition shall conform to the architectural design of the house as shown on the plan in the folder. Seconded, Mr. Baker. Carried 4-1, Mr. Smith voting against the motion, saying he did not oppose the application but he did oppose granting it prior to the procedural requirements being met. (Mr. Yeatman clarified his motion by saying that his intent on this requirement is that before building permit is issued, that the applicant submit a certified plat showing location of well, septic field and septic tank and if it is correct as stated in the motion, building permit could be issued; if not, do not issue building permit.)

WILLIAM L. BRYANT - Ctd.

This ground contains 1.4 ac. and is adjacent to a lot which Mr. Bryant owns in Downcrest, Mr. Deem stated. Mr. Bryant has just purchased the tract in question and he proposes to put in a swimming pool, tennis court, and guest house on the property. The location of the septic field is shown on the plat. There is also a well on the property but Mr. Bryant is connecting with the public water system and will not use the well unless he uses it in connection with the swimming pool.

In the first place, Mr. Smith noted, the applicant does not have the required amount of land for a guest house under the Ordinance.

The variance is only to allow the tennis courts, Mr. Yeatman said. The house is already in existence.

Mr. Knowlton read the definition in the Code of "guest house" and stated that there is no main building on this lot, and the Code requires that guest houses be constructed on 2 acres or more. This could be considered a home which the applicant allows his friends to live in.

The owner will put in a swimming pool, Mr. Deem said, and put an attractive roof on the already existing building. The inside structure will be substantially the same. This is a complete living unit with kitchen and all necessary facilities. It is actually a separate entity.

Mr. Bryant described the fence which he proposes to erect around the tennis courts -- 10' x 12' green chain link type fence which blends in with the foliage. When the application was filed the architect had not finished his work and they did not know what the grading would be so they applied for a 15 ft. fence. Now they find it will probably be a 10 ft. fence, or at least not over 12 ft. This will be all weather asphalt.

Why not place the tennis court down in the other area, Mr. Smith asked?

Because of the driveway situation and there are some very beautiful hardwood trees on the property which surrounds it, Mr. Deem replied.

No variance is needed to build the tennis court where it is shown, Mr. Bryant stated. The variance is needed on the height of the fence above 7 ft. They are asking permission to have a 10 ft. fence.

Mr. Long said he preferred to grant a variance for a distance of 120 ft. rather than remove the trees and relocate the tennis court. Trees are an important consideration and the Ordinance does say "physical features".
No opposition.

In the application of William L. Bryant, app. under Sec. 30-6.6 of the Ord., to permit erection of a 15 ft. tennis court fence closer than 20 ft. from side property line, 1019 Saville Lane, Dranesville District, Mr. Long moved that the app. be granted in part--that the height of the fence not exceed 10 ft. Seconded, Mr. Baker. Carried unanimously.

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K. PAPHIDES - TYSONS INN RESTAURANT, application under Section 30-7.2.10.5.19 to permit dance hall, 8240 Leesburg Pike, Dranesville District, (C-G), Map No. 29-3 ((1)) 80, S-152-69

Mr. Paphides did not have the proper notification required by the Board.

Mr. Yeatman moved that the application be deferred for proper notification (notification to the property owner in the rear) and for certified plats showing where the parking is going to be, the number of spaces, etc., for the Board to view the property, and for a report from the Police Department, Fire Marshal and Inspections Division. Defer to October 14. Seconded, Mr. Baker. Carried unanimously.

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JAMES D. NEALON, application under Section 30-6.6 of the Ordinance, to permit a variance of total side yard restriction from 20 ft. to 18 ft., Lot 394A, Section 6, Canterbury Woods, 5010 Woodland Way, Annandale District, (R-12.5 cluster), Map No. 69-4, V-153-69

Mr. Jeff Rice represented the applicant but he did not have the necessary proof of notification required by the Board.

Mr. Panaris represented the adjacent property owners of 394A on which the variance is requested. The property was settled on 394A in August, he said, and the deed was recorded. These owners received no notification other than the sign posted by the County.

In view of the fact that the Board had no evidence that notices had been sent, Mr. Yeatman moved to defer to October 14 and that Mr. Panaris be notified. Seconded, Mr. Baker. Carried unanimously.

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The Board discussed the possibility of requiring the applicant to mail his notices in prior to the hearing date and if on the hearing date the notices are not in the folder, the case would automatically be denied. No action was taken.

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DR. DAVID K. HERNDON, app. under Sec. 30-7.2.6.1.10 of the Ordinance to permit dental office in residence, Lot 40, Westmoreland Place, 1955 Kirby Rd., Dranesville District, (RT-10), Map 40-2 ((11)) 40, S-154-69

Mr. Knowlton pointed out that the staff report commented on the fact that there are excess parking spaces along the service drive. In that particular expanse of service drive is more parking than is required for the particular group of town houses that front on it.

Is that public parking space, Mr. Smith required?

It is a privately owned travel lane, Mr. Knowlton replied, not a public street. They are not on the lot of this particular town house, however, they are within the project.

Dr. Herndon told the Board that two dentists would operate in this townhouse -- he and his father. He would be a resident of the townhouse and his father would come in to help him in his practice. The house is 1½ years old and he has lived in it since January 24, 1969. The office would be located on the first floor and the proposed addition would be used for the dental practice. They see a patient usually every ½ hour or longer up to three hours. Patients are booked in advance. He would probably not need more than four or five parking spaces other than for his own car.

Mr. Smith asked Mr. Woodson to check to see whether an occupancy permit had been issued on this house for residential purposes.

Mr. Woodson reported that no occupancy permit had been issued. The office needs a final house location plat and final electrical and plumbing approval.

Mr. Knowlton said he had brought this before the Board before to discuss the possibilities of such an application. First of all townhouse lots are not more than 20 or 22 ft. wide and off street parking on the lots within the setbacks would be impossible. This is an unusual lot. The Code requires that parking be off street. The row of parking across the front is off the street but at the same time this is not on the owners property. It is an easement running across this tier of lots.

That is an easement for ingress and egress, Mr. Long pointed out, which means that cars can cross it but not stop on it.

It would seem to him, Mr. Smith said, that the applicant could meet the requirements for parking if there are an excess of parking spaces within this development providing he gets permission to use additional space other than the one or two spaces which he normally has control over. At this point he cannot meet the parking requirements because he only has control over one or two spaces on his property.

Mr. Long said he was concerned about the first parking space for the doctor's use being located 4 doors away and patients might park in parking spaces intended for use by other owners and this would inconvenience them.

No opposition.

When this was discussed at Board level before the application was formally made, Mr. Smith said, he was not aware of the fact that the applicant planned to construct the addition for this use. This is an intensive use which he did not contemplate.

Mr. Smith suggested deferring action to give the applicant a chance to go to the developers and get permission to use additional parking spaces.

There are no developers, Dr. Herndon said. Each individual owns and maintains his own parking space.

Mr. Yeatman moved to defer for further information - defer to October 14 - to see what the applicant can work out on the parking situation. Seconded, Mr. Baker.

A certain number of spaces would have to be set aside for the use by the patients and the people who work with the doctors, Mr. Smith said, and there are a lot of other questions that have to be answered prior to decision on this. Expansion of the use could not be considered. Also, the doctor should get his occupancy permit for the premises to occupy it as a residence.

Motion to defer carried unanimously.

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PEACE LUTHERAN CHURCH & HIGHER HORIZONS DAY CARE CENTER, app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, 6362 Lincolnia Rd., Mason District, (R-12.5) Map No. 72-1 ((1)) 52, S-164-69

Mrs. Bateman, Director of the Day Care Center, and Pastor Himmelman were present in support of the application.

This application, if granted, will enable the Higher Horizons Day Care Center to move to larger quarters at the Peace Lutheran Church, Mrs. Bateman stated. They have only minimum space in their present facility at Mount Pleasant, which is only two blocks away, and they will serve the same areas and the same children. They are licensed for 45 children and operate from 7:30 a.m. to 6:00 p.m. five days a week. Inspections were made in June and all corrections have been made.

PEACE LUTHERAN CHURCH & HIGHER HORIZONS DAY CARE CENTER - Ctd.

No opposition.

In the application of PEACE LUAHERAN CHURCH and HIGHER HORIZONS DAY CARE CENTER, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of day care center, 6362 Lincolnia Rd., Mason District, Mr. Yeatman moved that the application be approved for maximum of 45 children, 7:30 a.m. to 6 p.m. five days a week. All provisions of the County Zoning Ordinance shall be met. Occupancy permit must be obtained before operation commences. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

ROBERT J. HERMAN, app. under Sec. 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed by Ordinance, Lot 15, Section 4, Mosby Woods, 3237 Atlanta St., Providence District, (R-12.5), Map No. 47-4 ((7)) (M) 15, V-132-69 (deferred from 7-22-69 for sketches of the proposed carport)

Mr. Herman presented the sketches drawn by his wife and stated that the steps leading up to the side door present a problem in building a carport on the side of the house.

Mr. Smith said he did not believe there was a topographic problem on this lot and the Board in the past has denied variances for carports in Mosby Woods.

In the application of ROBERT J. HERMAN, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to side property line than allowed by ordinance, Lot 15, Section 4, Mosby Woods, 3237 Atlanta St., Prividence District, Mr. Long moved that the application be granted and that all other provisions of the Ordinance be met. Seconded, Mr. Yeatman - according to plat presented, he added. In granting the application, Mr. Long said, the Board must consider that the applicant has buildable area and could comply with the Ordinance were it not for the way the lot is graded, necessitating this side entrance. He felt this complies with the hardship ordinance. Carried 4-1, Mr. Smith voting against the motion - there are many other such cases in Mosby Woods and the Board does not have proof that there is not an alternate location. The Board has denied several applications for carports in this area.

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Mr. Knowlton presented a letter to the Board from George L. Greeman regarding an appeal from the Zoning Administrator's decision permitting a vegetable stand to be constructed on certain property adjacent to a Mr. and Mrs. Wilson.

Consensus of the Board was that if the Wilsons are the aggrieved persons they should move to file a formal appeal to overrule the decision of the Zoning Administrator.

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COUNTY OF FAIRFAX, app. under Sec. 30-7.2.2.1.3 of the Ordinance, to permit erection of radio tower 150 ft. high, Lot 2, Poag Heights, 6210 N. Kings Hwy., Lee District, (R-10), Map 83-3 ((11)) 2, S-159-69 (deferred from 8-1-69 at the applicant's request)

Mr. Archie R. Lewis and Mr. Pete Adams represented the applicant.

Mr. Lewis stated that for some years they have been evaluating the communications system for Fairfax County and they have outlived the present system. In order to provide the citizens of the County with the quality of services to which they are entitled, it has become necessary to update all radio communications systems with the County. Among the requirements to accomplish this program, it will be necessary to install a microwave system to implement the most modern communications system with a minimum of expenditures.

The erection of the towers in the locations both in this application and the one following this, are necessary accessories to the installation of the new radio communications system for the Fairfax County Police and Fire Department, Mr. Lewis continued. These towers will be triangular steel towers 30 inches on each side, grey in color, without any obstruction marking or lighting. They are to be guyed in accordance with the manufacturer's specifications. The height of these towers have been kept to a minimum as required to give unobstructed clearance for the microwave paths. The tower at Annandale will have an overall height of 80 ft. above the ground and the Groveton Substation tower will have an overall height of 150 ft. above the ground.

No opposition.

In the application of COUNTY OF FAIRFAX, application under Sec. 30-7.2.2.1.3 of the Ordinance, to permit erection of radio tower 150 ft. high, Lot 2, Poag Heights, 6210 N. Kings Hwy., Lee District, Mr. Yeatman moved that the application be granted and all other provisions of the Ordinance be met. This is granting approximately a 30 ft. variance on this application for the fall area -- this is due to the fact that the antenna is attached to the top of a 58 ft. building. Seconded, Mr. Barnes. Carried unanimously.

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COUNTY OF FAIRFAX, app. under Sec. 30-7.2.2.1.3 of the Ordinance, to permit erection of radio tower 100 ft. high, Lot 22, 7300 McWhorter Pl., Annandale District, (R-10), Map 71-1 ((11)) 22, S-160-69 (deferred from 8-1-69)

This tower will be 80 ft. above the ground, Mr. Lewis stated, on the top of a 20 ft. building. This would be a 20 to 25 ft. variance.

When this fall area was placed in the Ordinance, it was practical, Mr. Smith said, but these towers don't fall unless in case of fire.

The facts in this case are generally the same as in the previous application, Mr. Lewis told the Board.

No opposition.

In the application of COUNTY OF FAIRFAX, application under Sec. 30-7.2.2.1.3 of the Ordinance, to permit erection of radio tower 100 ft. high, Lot 22, 7300 McWhorter Place, Annandale District, Mr. Long moved that the application be granted for a height variance (30 ft. maximum) and all other provisions of the Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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Mr. Price of Atlantic Refining Company came before the Board requesting an extension of permit issued in the name of John P. D. Crist to March 23, 1970. This is located at Route 1 and Gunston Hall Road. Progress has been held up by the Health Department.

Is the Merchandise Mart Inc. building started yet, Mr. Smith asked?

No, they have sold to 7-Eleven, Mr. Price said, and 7-11 plans to develop instead of Fast Foods.

They have had one extension already, Mr. Smith pointed out. The service station and fast foods store was an overall plan for development and he suggested that Mr. Crist come in and answer some questions as to why this has not been developed and when he intends to develop the adjoining merchandising facility. The Board could grant a 60 day extension and have Mr. Crist come back in.

This could be reviewed at the end of the November 7 agenda.

Consensus of the Board was to extend to November 27 and have Mr. Crist come in November 7 at the end of the agenda, to review the application.

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VIENNA LITTLE LEAGUE - Request of one year extension. Mr. Yeatman moved that the request be granted for a one year extension and that all conditions of the original granting pertain to this extension. Seconded, Mr. Baker. Carried unanimously.

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W. O. QUADE - Request for extension. This application has had three extensions already, Mr. Yeatman pointed out. Unless there are very unusual circumstances this should be limited as conditions in the County change. He moved that the Board grant a 30 day extension and have him come before the Board November 7 and show cause why his permit should not be allowed to expire for lack of interest. Seconded, Mr. Baker. Carried unanimously.

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NATIONAL NURSING HOME ASSOCIATION - Request for withdrawal of the application. Mr. Yeatman moved that the application be allowed to be withdrawn with prejudice. Seconded, Mr. Baker. Carried unanimously.

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ROBERT S. PARKER - Mr. Baker moved that the application be allowed to be withdrawn without prejudice, at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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GREATER SPRINGFIELD FIRE DEPARTMENT - Question of expiration of permit issued October 1967. Permit has been issued for footings.

It was the Board's determination that the permit had not expired, in view of the work that has gone on from shortly after the granting until now. The use permit is still in effect and is in the public interest.

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Mr. Knowlton read a Resolution passed by the Board of Supervisors on July 9, 1969 relating to rezonings and suggested that this Board might like to adopt something similar to it. The Board also discussed the possibility of having some form for more sophisticated motions made by the Board. The Board requested Mr. Knowlton to write up something in a fashion that the Board could adopt, perhaps by their next meeting.

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The meeting adjourned at 3:35 p.m.
by Betty Haines, Clerk

Daniel Smith, Chairman

Approved by BZA at their meeting of October 21, 1969.

_____ **Date**

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, September 16, 1969 at 10:00 a.m., in the Board Room of the County Courthouse. All members were present. (Mr. Barnes arrived late.) Mr. Richard Long, Mr. Joseph Baker, Mr. Clarence Yeatman, Mr. George Barnes, and Mr. Daniel Smith, Chairman, presiding.

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

GUNSTON HALL SCHOOL, INC., app. under Sec. 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten, first grade and second grade, ages 5 and over, 60 children, Lot 2, Blk. 39, Sec. 2, Monticello Forest, 6310 Hanover Ave., (St. Christopher's Episcopal Church), Springfield District, (R-12.5), Map No. 80-3 ((3)) 39, 2, S-162-69

Mr. A. Slater Lamond represented the applicant and introduced members of the Board of Governors of the School, Mr. John W. Hazard, Mrs. Bevin and Mrs. Nelson.

Mr. Hazard gave the following background of the school. The school was founded in 1892 by Beverley Randolph Mason, great grandson of George Mason and operated until 1942 as a girls' school. At the beginning of World War II it suspended operations because of the war but the daughters of Mr. and Mrs. Mason for twenty years preserved the school's Virginia Charter, hoping the day would come when the school would be re-established and started on the road back to its former pre-eminence. That day came in 1962 when the Mason sisters presented the charter to a group interested in re-establishing Gunston Hall as an independent school embracing primary and secondary levels including preparation for college.

Thus, in September 1962, Mr. Hazard continued, Gunston Hall School once again opened its doors, with a first grade and kindergarten. Classes were held in the parish house of Pohick Church in Lorton while plans were being made for a more permanent location. In subsequent years a second and third grade were added. Early in 1964 the Board of Governors became aware of an opportunity to purchase 20.4 ac. of land adjacent to the Church property. The land had a 691 ft. frontage on Route 1 and contained a high level meadow with a view to the west out over the Pohick Creek valley. Seemingly it was an ideal site for school buildings. Consultation with architect Milton L. Grigg, F.A.I.A. of Charlottesville, Virginia, confirmed the Board's judgment that the site would be adequate for a school with an ultimate enrollment of 700 pupils. After further consultation with bankers and local real estate men as to price and other conditions of sale, the land was purchased and tentative plans for development were begun.

They have now outgrown their location, Mr. Hazard concluded, and propose to build the school this coming year. In the meantime they would like to have permission for a temporary location in the St. Christophers Episcopal Church. The children are brought by bus. The County has inspected the facilities and approved them.

Mr. Lamond introduced Mrs. Reed, also a member of the Board of Governors.

No opposition.

In the application of Gunston Hall School, Inc., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten, first grade and second grade, ages 5 and over, 60 children, Lot 2, Blk. 39, Sec. 2, Monticello Forest, 6310 Hanover Ave., (St. Christopher's Episcopal Church), Springfield District, Mr. Baker moved that the application be approved as applied for, meeting all provisions of the Ordinance. Seconded, Mr. Yeatman. Carried 4-0, Mr. Barnes not yet present.

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Mr. Barnes arrived.

RICHARD AND MARY LINTHICUM, app. under Sec. 30-6.6 of the Ordinance, to permit enclosing of side porch 10.5 ft. from side property line, Lot 60, Sec. 1B, Mill Creek Park, 3908 Mill Creek Dr., Annandale District, (RE-0.5), Map 59-4 ((2)) 60, V-156-69

Mrs. Linthicum's sister represented the applicants. This is the same variance that the Board granted on June 25, 1968, she said, and it expired in June of this year. Last year they tried to get a contractor but no one came -- it was not a big enough job. They do have someone now who is ready to do the job and they want to renew the variance. The applicants are the original owners of the property. Because of the septic field, the house was set over far enough so that they had plenty of room on that side but now they are on public sewer. They could put a double carport on the other side and would not need a variance and this is the only way they could get the builder to enclose the side porch. The house was constructed in 1955.

No opposition.

Mr. Smith read a letter from the adjoining property owners, the Craigs, in favor of the application.

In the application of Richard and Mary Linthicum, application under Sec. 30-6.6 of the Ordinance, to permit enclosing of side porch 10.5 ft. from side property line, Lot 60,

September 16, 1969

RICHARD AND MARY LINTHICUM - Ctd.

Section 1B, Mill Creek Park, 3908 Mill Creek Drive, Annandale District, Mr. Yeatman moved that the application be approved as it was granted on June 25, 1968. This variance expired. This variance was approved for these same people, the original owners, and at that time the property was on septic field. Since then sewer has come into the area. The adjoining neighbors on the side have written a letter to the Board saying they have no objection to the variance. This does not interfere with sight distance. All other provisions of the Ordinance must be met. Seconded, Mr. Barnes. Carried 5-0.

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GEORGE S. & H. REBEKAH FLEISCHMAN, app. under Sec. 30-6.6 of the Ordinance, to enclose side porch 11.5 ft. from side property line, Lot 147, Sec. 3, Wakefield Forest, 8613 Chapel Dr., Annandale District, (RE-1), Map 70-1 ((2)) 147, V-157-69

The existing porch is almost useless to them, Mr. Fleischman explained, and they would like to enclose it as a solarium. When they have heavy rains they get rained out of the porch and to enclose it would give the adjacent neighbors more privacy. They are in favor of the application, he said. He purchased the property in 1965. This is their retirement home. They have no intent of disposing of it, he said.

No opposition.

In the application of George S. and H. Rebekah Fleischman, application under Section 30-6.6 of the Ordinance, to enclose side porch 11.5 ft. from side property line, Lot 147, Sec. 3, Wakefield Forest, 8613 Chapel Dr., Annandale District, Mr. Yeatman moved that the application be approved as there is no opposition to it and letters from the neighbors are in favor of this. This would be an asset to the neighborhood. All other provisions of the Ordinance shall be met. The owners have owned and resided here since 1965 except for the time they were out of the country. The house was constructed in 1955. The applicants are on septic tank which alleviates the possibility of an addition in that area and they have a garage on the other end of the house. Enclosing the porch would cut down on the noise to adjacent property owners. This is being enclosed for a solarium or greenhouse. Seconded, Mr. Barnes. Carried unanimously.

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S. D. ELMORE, TRUSTEE, app. under Sec. 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of a service station, S. E. corner of Little River Turnpike and Hummer Road, Annandale District, (C-N), Map 70-2 ((1)) pt. 1A, S-161-69

Mr. Knowlton located the property on the map. A cursory review by the staff prompted the statement in the staff comments that there probably would not be any road widening on either of these two roads, he said, and they are not recommending that the Board require any dedication.

Mr. John T. Hazel, Jr., represented the applicant. The subject property, including the C-OH surrounding it on the south and east which is about 5 ac. was rezoned by the Board of Supervisors on June 25, 1969 for a combination C-N and C-OH category, he said. The purpose of the rezoning and delineation of the districts was to allow construction of an office building of approximately 100,000 sq. ft., with a service station as an integral part of the development. This is a detached structure separated by a travel lane from the building itself.

There was one condition discussed at both the Planning Commission and Board of Supervisors hearing, Mr. Hazel continued -- that was that the service station construction would not precede the construction of the office building. This question was raised at the Planning Commission hearing and the applicant has committed himself to work toward a simultaneous opening of both the service station and the office building. The structure is so far as they know in compliance with all current County requirements. The permit is subject to site plan submission. Plot plan that was submitted for Board of Zoning Appeals consideration does not contain all of the information eventually required on site plan but of course that will be furnished. Mr. S. D. Elmore is contract purchaser from the Americana-Fairfax sponsoring group and this application is made by him, this being the final contingency in the settling contract. (Contract purchaser of the entire property, including the office development.) There is a wall shown on the rendering and he assumed that would be constructed between the two parcels even though they are in the same ownership.

Will the entire C-N parcel be used for service station, Mr. Smith asked, and that is all that will be built there?

That is correct, Mr. Hazel replied.

Mr. Hazel said the office building is a major expenditure -- about two million dollars. The service station is an important part of the office building aesthetically as well as economically, and they are being developed by the same architect. This will be a three or four bay station with covered pump islands. The same architect has just completed the Little River Shopping Center about a mile east of this on #236 -- Don Misener designed that shopping center and also designed this.

September 16, 1969

S. D. ELMORE, TRUSTEE - Ctd.

Mr. Tony J. Weaver, 4125 Horseshoe Drive, stated that there is a service station across from this site which has only been in operation for a short time and he would like to see it prosper. Three years from now it would probably take care of itself but another service station in this location at this time would create a hazard and confusion.

The Board of Supervisors has seen fit to zone this for service station use, Mr. Smith said, and this Board has no right to deny the use that they established here.

Mr. Smith referred to a note from Arthur C. Chapman, 4209 Americana Drive, Apartment 203, objecting to a service station across the street from him. There is no need for another service station, he said.

Mr. Hazel said he had represented Mobil on the case referred to by Mr. Weaver and need is not a basic consideration in such a case although it was discussed by the Planning Commission and Board of Supervisors. There was opposition from some of the stations on Columbia Pike in Annandale who are apparently suffering from economic problems and that was before the Planning Commission and Board of Supervisors. They specifically discussed need and felt that this interchange oriented to Heritage Drive where there were relatively few stations and adjacent to the Beltway -- this and the Mobil station being the first and only stations just off the Beltway, that this was an appropriate location.

Mr. Smith said he felt that good planning dictates that service stations be as close to interstate highways as possible. Each time you open a new service station this close to the Beltway, others would certainly feel some effect on their volume.

Mr. Hazel said he did not think signs would be a problem on this site and he suspected that by the time they get ready to put up a sign, the new sign ordinance would be adopted. At the present time they do not know who the distributor will be. Module signs on pylons are not being anticipated.

The proposed sign ordinance would not allow freestanding signs in this case, Mr. Knowlton commented. It would only allow signs on the building itself.

In the application of S. D. Elmore, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, S. E. corner of Little River Turnpike and Hummer Road, Annandale District, Mr. Yeatman moved that the application be granted and that the applicant build this gas station approximately the same time as the office building, and that they use the same masonry material as on the office building. The sign shall be in accordance with the new sign ordinance if the new sign ordinance allows a freestanding sign, and that sign shall not be over 20 ft. high and 60 sq. ft. Architecture will be as shown in the photographs presented to the Board and of the same material as the office building. In no event shall the service station be built prior to the office building. If the new ordinance allows a larger sign, this would be limited to 20 ft. high and 60 sq. ft. If the new ordinance is adopted before the building permit is issued for this construction and it is more restrictive, that would apply. If it is less restrictive, the Board's limit would apply. This will be for a four bay service station. Seconded, Mr. Long. Carried unanimously.

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JOHN R. GREENWELL, app. under Sec. 30-6.6 of the Ordinance, to permit side porch to be enclosed, Lot 20, Blk. 9, Sec. 9, Hollin Hall Village, 8111 Bainbridge Rd., Mt. Vernon District, (R-12.5), Map No. 102-1 ((9)) (9) 20, V-158-69

Mr. Greenwell stated that they purchased the house about two years ago. The porch was there at the time they purchased the house. The house is about 13 years old and the porch has been there approximately 12 years. The screen and wood have now rotted away and they would like to repair this and enclose it for a Florida type room. They have no plans for selling the house and the enclosed porch would be for their own use.

No opposition.

In the application of John R. Greenwell, application under Section 30-6.6 of the Ordinance, to permit side porch to be enclosed, Lot 20, Block 9, Section 9, Hollin Hall Village, 8111 Bainbridge Road, Mount Vernon District, Mr. Baker moved that the application be approved as applied for. This is an existing porch and has been here for a number of years and is for the benefit of the present owners who are enclosing it for use by the family. There is no intent of disposing of the property. Seconded, Mr. Yeatman. Carried unanimously.

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HARBOR BAY CORP., application under Section 30-7.2.2.1.6 of the Ordinance, to permit a sewage lift station, Lots 60 and 61, Harbor View Subdivision, on Anita Drive,

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HARBOR BAY CORP. - Ctd.

Mt. Vernon District, (RE-2), Map No. 117 ((2)) 60, 61, S-163-69

Mr. Richard Hobson represented the applicant. He stated that the proposed application has already been approved by the Planning Commission. This lot is entirely surrounded by the land owned by the applicant except in the back where Mr. McCue has property and he has no objection. A long time ago the Board acted on a plant to which this lift station will pump. Today they are asking for a lift station -- the treatment plant has already been approved. These lots which cannot be sewered by gravity will drain down into the proposed lift station which will pump back to a point where it can drain down by gravity. Sixty lots will be served by this proposed lift station -- it will be underground primarily, 3 ft. above ground, surrounded by the fence as shown on the plat,(a chain link fence), and will not be manned. There will be an easement for maintenance purposes only. No building is involved. Copy of the State Water Control Board and Health Department approval were previously filed with the County, prior to Planning Commission hearing.

No opposition.

Mr. Smith noted the Planning Commission recommendation to grant under the provisions of Section 15.1-456 of the Code of Virginia.

In the application of Harbor Bay Corporation, application under Section 30-7.2.2.1.6 of the Ordinance, to permit a sewage lift station, Lots 60 and 61, Harbor View Subdivision, on Anita Drive, Mount Vernon District, Mr. Yeatman moved that the application be approved as the Planning Commission has recommended favorably on it. All other conditions of the County Ordinance shall be met. Seconded, Mr. Baker. Carried unanimously.

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DEFERRED CASES:

KENNETH S. WEATHERSPOON, application under Section 30-6.6 of the Ordinance, to permit fence in excess of height allowed by the Ordinance, Lot 156, Block 4, London Towne, 14801 Haymarket Lane, Centreville District, (RT-10), Map No. 54-3 ((4)) 156, V-129-69

Mr. Knowlton reminded the Board that at the last meeting this was deferred to view and for decision only, and the applicant was not requested to attend the meeting so he has not come. There is no problem with sight distance.

In the application of Kenneth S. Weatherspoon, application under Section 30-6.6 of the Ordinance, to permit fence in excess of height allowed by the Ordinance, Lot 156, Block 4, London Towne, 14801 Haymarket Lane, Centreville District, Mr. Yeatman moved that the application be approved as applied for. From viewing the property the staff and the Board could find no evidence of it being hazardous to sight distance. Seconded, Mr. Baker. Carried unanimously.

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Mr. Knowlton presented a proposed resolution to the Board similar to one recently adopted by the Board of Supervisors, giving the staff authority to require information from the applicant before the Board. This can be interpreted many ways and gives the staff a great deal of power but the staff understands what the Board wishes on these applications, he said.

This would help the Board speed up some of the applications, Mr. Smith agreed, and referred to several cases that were on the agenda and had to be deferred because of improper plats or notices.

Mr. Baker moved to adopt the format presented by Mr. Knowlton for making motions. Seconded, Mr. Long. Carried unanimously.

Mr. Yeatman moved that the following Resolution presented by Mr. Knowlton be adopted as presented. Seconded, Mr. Baker. Carried unanimously.

"At a regular meeting of the Board of Zoning Appeals of Fairfax County, Virginia, held in the Board Room of the County Office Building, on Tuesday, September 16, 1969 at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Zoning Appeals of Fairfax County desires to make maximum use of the expertise available in its professional staff, and

WHEREAS, the determination of most cases before this Board involves the analysis of many complex factors, and,

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WHEREAS, data relating to such factors are often most readily available to the applicants,

NOW, THEREFORE BE IT RESOLVED by the Board of Zoning Appeals of Fairfax County, Virginia, in a regular meeting assembled on this 16th day of September, 1969, that applicants for use permits and variances are urged to cooperate with the Board's professional staff, and that staff is urged to cooperate with such applicants in securing for the said staff all available information, whether or not specifically required by ordinance or by the by-laws of this Board, bearing upon the cases submitted by such applicants, to the end that the staff's comments and analyses to the Board of Zoning Appeals be based upon the best information available and that all possible facts are available to the Board for their consideration, and

BE IT FURTHER RESOLVED, that it is the policy of this Board to make decisions upon applications for use permits and variances based upon all of the pertinent data available, in pursuit of its statutory duties under State and County codes, and

BE IT FURTHER RESOLVED, that such information as requested by the Board's professional staff shall be forwarded to the professional staff not less than 10 days prior to the scheduled public hearing before the Board of Zoning Appeals and in the event that such information is not received within this period, this shall be cause for said application to be removed from the agenda and rescheduled at a later date.

(S) Daniel Smith, Chairman"

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Mr. Smith announced that the Board would consider the deferred case of LORD HARDWICK today as they are pressed for time. He said he was not in complete agreement with the brick wall requirement, and in all fairness to everybody, painted cinder block might be the answer rather than requiring a brick wall.

They are gaining a variance of 7 ft. from the rear line, Mr. Long said, and that is utilization of quite a bit of commercial property.

Autos are going to be backing up against this wall, Mr. Yeatman pointed out, how thick should it be?

Mr. Long said he would not like to say how thick the wall should be.

The outside should be brick toward the apartments and the inside should be painted if not brick, Mr. Smith suggested. This is one of the most complex areas for development this Board has ever been concerned with. The Board has had applications on this parcel before and none of the buildings have ever been constructed. It should be pinned down to this particular applicant and if this applicant does not use it, if granted, it should not be transferable to anyone else.

Mr. Yeatman expressed concern about odors from the restaurant which might interfere with the apartment tenants.

It is the practice of all restaurants today to use filters, Mr. Smith said.

Mr. Long made the following motion: "In application V-146-69, an application by Earl of Hardwick of Virginia, for a variance to permit erection of building closer to rear property line than allowed by Ordinance, on property located at 6306 Little River Turnpike, also known as tax map 72-4 ((1)) 9, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the first day of August, 1969 held a public hearing on this case, and

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

1. This is a very irregular shaped property, containing a small area.
2. Due to the topography it would be very difficult to develop it in a normal manner.
3. The public hearing on this application was held on August 1, 1969.
4. Earl of Hardwick of Virginia is the contract purchaser of the subject property and was at the time the application came before the Board for public hearing, and

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

1. The Board is satisfied that the granting of this variance will not interfere with the adjacent property owners.

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Lord Hardwick - Ctd.

2. The granting of this request will alleviate a hardship to the property owner in the development of this irregular shaped property.

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NOW THEREFORE BE IT RESOLVED, that the subject application of Earl of Hardwick of Virginia, under Section 30-6.6 of the Code of Fairfax County, to permit erection of building not less than 17.9 ft. from rear property line at 6306 Little River Turnpike, be and the same hereby is granted with the following limitations:

1. The building shall be of brick construction.

2. The applicant shall construct a brick masonry wall along the rear property line to screen the developed portion of the site from the apartments, in place of standard screening.

3. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

4. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

5. This variance shall expire one year from this date if construction has not been started, unless renewed by action of this Board before the expiration date."

Seconded, Mr. Baker. Carried unanimously.

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The staff presented a brief review of the proposed sign ordinance.

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The meeting adjourned at 5:20 p.m.
Betty Haines, Clerk

Daniel Smith
Mr. Daniel Smith, Chairman

_____ Date

Approved by BZA at their meeting of October 21, 1969.

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 23, 1969 in the Board Room of the County Courthouse. All members were present: Mr. George Barnes, Mr. Clarence Yeatman, Mr. Joseph Baker, Mr. Richard Long, and Mr. Daniel Smith, Chairman, presiding.

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

PROVIDENCE PRESBYTERIAN CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school in church, two days a week, 9 a.m. to 12 noon, 20 children maximum, ages 3 and 4 yrs., 9019 Little River Turnpike, Annandale District, (RE-1), Map 58-4 ((1)) 1, S-165-69

Mrs. Charles J. Beam, 9530 Barkwood Court, Fairfax, Virginia, represented the applicant. They would like to operate a nursery school on a cooperative basis, she explained. There would be a group of 15 children to start with, she said, and they would operate two days a week, from 9 a.m. to 12 noon. This is a new church, completed during the last two years. If they choose to enlarge in the future, what would be the procedure, she asked? Perhaps they would like to have 30 children four days a week.

If there is any thought of enlarging within the next year or so, it might be good to amend the application, Mr. Smith suggested.

Toilet facilities are adequate for 30 children, Mrs. Beam said, and the church has plenty of room.

Mr. Yeatman moved to amend the application to read 30 children, 5 days a week, and up to age 5 since many of the children will be turning 5 during the school year. Seconded, Mr. Baker. Carried unanimously.

Mrs. Beam stated that the children would be brought by their parents. The nucleus of their group are church members and this will be run by church members, however, the school would be open to anyone in the community.

No opposition.

In application S-165-69, an application by Providence Presbyterian Church for permission to operate a pre-school in church, two days a week, 9 a.m. to 12 noon, maximum of 20 children ages 3-4 years, on property located at 9019 Little River Turnpike, Annandale District, also known as tax map 58-4 ((1)) 1, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 23rd day of September, 1969 held a public hearing on this case, and

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

1. This is a new church and has proper parking.
2. It is subject to inspection by the County Health Department and Public Works Department.
3. Since this is a new church the Board would recommend that site plan waiver be considered for this use, and,

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

That this application meets the requirements of Section 30-7.1.1 which sets forth the standards for special use permits in R districts,

NOW THEREFORE BE IT RESOLVED, that the subject application S-165-69, Providence Presbyterian Church, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of pre-school in church building at 9019 Little River Turnpike, be and the same hereby is granted as amended, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.
3. This permit shall expire one year from this date if construction or operation has not started, unless renewed by action of this Board prior to the date of expiration.
4. This approval is granted to permit operation 5 days a week from 9 a.m. to 12 noon, for a maximum of 30 children at any one time, ages 3 through 5 years of age.

PROVIDENCE PRESBYTERIAN CHURCH - Ctd.

Motion seconded by Mr. Baker. Carried 4-0 (Mr. Long not present).

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NORTHERN VIRGINIA CHRISTIAN ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten and nursery school, (Bethlehem Baptist Church), 50 children, ages 2-6 years, 5 days a week, 4601 W. Ox Road, Centreville District, (RE-1), Map 56-1 ((1)) 10, S-166-69

Mr. John Russell, director of the school, stated that Reverend John Bonds, pastor of the church, was out of town and could not be present. They are requesting permission to operate a pre-school for 2 and 3 year olds (nursery) and 4-5 year olds (Kindergarten), for a total of 50 students -- 25 mornings and 25 afternoons. They have met requirements of the Health Department. The building is new. They have been in the church for approximately six months. Hours of operation will be from 8:30 a.m. to 4:30 p.m. They eventually plan to build a school building on the same property. There is no public sewer available. The school will be controlled by the church and the Academy will operate the school. Asphalt parking and a fenced playground are already provided. Parents will bring most of the children and they will operate some buses.

No opposition.

Mr. Russell stated that there are a number of restrooms in the building and they could accommodate more students than 50. They could possibly take care of as many as 75.

Mr. Smith asked Mr. Russell to forward to the Board a list of the various members who make up the Executive Committee.

Mr. Baker moved to amend the application to read 75 students. Seconded, Mr. Yeatman. Carried unanimously.

In application S-166-69, application by Northern Virginia Christian Academy, for permission to operate a kindergarten and nursery school on property located at 4601 West Ox Road, Bethlehem Baptist Church, also known as tax map 56-1 ((1)) 10, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 23rd day of September, 1969 held a public hearing on this case, and

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

The property is occupied by the Bethlehem Baptist Church, and,

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

The application meets the requirements of Section 30-7.1.1 which is the standards for use permits in R districts,

NOW THEREFORE BE IT RESOLVED, that the subject application of S-166-69 by Northern Virginia Christian Academy, under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of kindergarten and nursery school at 4601 West Ox Road, be and the same hereby is granted as amended, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.
3. This approval is for a maximum of 75 students at any one time, ages 2 to 6 years old, subject to State requirements for this number of students, as the original application was for 50 students.
4. This approval is for a five day a week operation from 8:30 a.m. to 4:30 p.m.

Seconded, Mr. Baker. Carried 5-0.

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Mr. Knowlton discussed problems involved in scheduling cases that have to be heard under Section 15.1-456 of the State Code by the Planning Commission. He asked the Board's permission not to schedule cases for public facilities for BZA hearing until they have been scheduled for Planning Commission hearing -- this would save the Board having to defer the case for Planning Commission recommendation. Consensus of the Board was that this was the intent of the Resolution recently adopted by the Board.

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GERRY WENDE, application under Section 30-6.6 of the Ordinance, to permit swimming pool 2.4 ft. from house, Lot 144, Sec. 3C, Rutherford, 4308 Selkirk Drive, Annandale District, (R-17), Map 69-3 ((6)) 144, V-167-69

Mr. Wende stated that the pool was placed in the only location the pool could be put on the lot. It is a corner lot and the pool is 18' x 32', above ground type. They have owned the house 4 1/2 years.

The fact that this is the only place on the lot a pool could be constructed is not justification for a variance, Mr. Smith noted, and the applicant must prove to the Board that there is a hardship involved.

Mr. Hunter Smith from the Pool Company stated that the big problem in this case is that the pool is already in. The clerk in obtaining building permits failed to get a permit for this one. This is the first one they have had this situation on in his six years of working in this business.

There are 11 out of 12 property owners in the County facing the situation of desiring a pool and not having enough land to construct one, the Chairman stated, and this is no justification for granting a variance. The application was filed requesting a variance from the house but actually the pool cannot meet the 12 ft. setback and it really needs a variance on the side and rear.

Mr. Covington said that his interpretation of a corner lot is that it does not have a rear -- actually it has two fronts and two sides.

Mr. Long said that was his interpretation also.

Apparently this is one of the areas of the Ordinance that they do not agree on, Mr. Smith said. The Board has rendered decisions in the past and interpreted this differently, he said. A man should be allowed to have a pool by right, he felt, but the Ordinance does not permit this. Had a building permit been obtained in this case, this would not have happened. Perhaps the Board should view the pool before making a decision, he suggested.

Mr. Hunter Smith told the Board that the pool was installed in June of 1969 and there have been no complaints from the neighbors. This is 4 ft. above ground and is fenced. The violation was found by an inspector.

Mr. Wende stated that there are two fences around the pool - a 5-8 ft. fence around the back of the property (the fence is level at the top but it is 5 ft. high at one end and 8 ft. at the other end) and the other fence around the pool is a metal one. This is a pre-fabricated pool.

Mr. Wende stated that he had a contract with Americana Pools but he did not know whether it spelled out that they would get the permits.

The Chairman noted that the letter of justification stated that the applicants have just moved here from California and the applicant stated that he has lived here 4 1/2 years. He said he would like to see a copy of the contract for the pool.

Mr. Covington reported that Mr. Hunter Smith has a license from the County and a record of good conduct. He has no record of violations anywhere else in the County.

Mr. Long moved to defer for additional information. Seconded, Mr. Barnes. Mr. Long added that the Pool Company submit a justification stating that the pool was properly constructed, and a copy of the contract. The Board must establish whether the pool was properly constructed and if it interferes with adjacent property owners.

This section of the Ordinance does not apply, Mr. Dan Smith stated, as the honest error section of the Ordinance states "after obtaining a building permit".

Mr. Yeatman said he would like to see a letter from the owners of Lot 143 and 145 stating that they have no objections to the pool.

Mr. Hunter Smith told the Board that the person who was responsible for getting the permit no longer works for him, but he knows where he lives and will get in touch with him if the Board desires.

The Board voted unanimously to defer the application for 60 days.

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J. R. & L. GALLEGOS, application under Section 30-7.2.10.2.1 of the Ordinance, to permit erection and operation of service station, 8300 Hooes Road, Springfield District, (C-N), Map 89-3 ((1)) 25, 25A, S-168-69

Mr. Grayson Hanes represented the applicant. This will be a two bay station at this point he said, with Colonial brick, and Colonial architecture retained as much as possible. The Gallegos Brothers have owned this parcel for nine years. At the present time they are developing a 7-Eleven Store next door that is also of Colonial architecture. They intend to least the property for service station use and they will have control over the architecture. At the present time they are negotiating with several oil companies.

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J. R. & L. GALLEGOS - Ctd.

The property consists of 23,000 sq. ft. of land, Mr. Hanes continued. Water and sewer facilities are available. There are no storm drainage problems. This property was first set forth in 1941 as being in a commercial zoning and up until 1959 when the Ordinance was amended, they could have built a service station on the site. The use permit requirement went into the Ordinance in 1959. More recently, in the 1966 Pohick Plan, this property was included in one of the commercial clusters which surrounds the area and which will ultimately serve these properties in the watershed. In 1969 in a recent plan the property again was planned for commercial use. It is intended to provide commercial services for the surrounding properties that will develop in single-family zoning. There are numerous homes in this area which would be served by this application, and a lot of development is taking place. The rerouting of the road system in this area shows the only way to get gas from most of these homes is to go about three miles away to the closest gas station except for one almost adjacent to this property at a place called the Old Country Store and they have a "Pure" sign up. They do not appear to pump gas as their primary purpose.

Mr. Yeatman recalled that the Board recently granted an application for a gas station in this area -- Ewell G. Moore, based on the fact that there was a need in the area. The applicant had presented letters and petitions from people in the area stating that there was a need.

It is important to look at the commercial cluster planned for this area, Mr. Hanes said.

Mr. Smith said he did not consider that need was a factor -- the Code does not require need as a basis, either for denying or granting an application.

In 1941, and probably right by the standards of that date, Mr. Knowlton said, the Board of Supervisors established a group of neighborhood commercial districts. There were about a dozen of these established and this happens to be one of them. This is 8 acres of C-N zoned land. The County is considering an amendment which would remove gas stations from C-N districts and if this application is granted, it will be the second service station in this area, he said.

The Board must consider each case based on its merits, Mr. Smith stated, and not based on need. If the Board could establish that there is a great need, that would be a factor but the Ordinance does not set up need as a factor for denying an application. This is a development pattern that has become very prevalent around the County -- a 7-Eleven Store located beside a service station.

Ewell Moore's service station that the Board granted on August 1 is on the other side of the 7-Eleven Store, Mr. Barnes commented.

Mr. Knowlton pointed out that there is some commercial on the south side of Hooes Road, and once again, this might have been good by standards of 1941 when this was zoned, but the attempt now throughout the Pohick and the development of this basically rural area, is to put neighborhood centers in the neighborhoods, off the main roads.

The road network to the north of this property is being rearranged, Mr. Hanes said, and it will provide some access into this commercial neighborhood. If they don't do that he agreed that the commercial would be a little bit of distance from the populus. People have to pass this location going to their employment, he said.

Is Mr. Moore going to develop the road along his property to tie in with Cary's property, Mr. Yeatman asked?

Mr. Hanes said he believed it would run to the rear of their property and Moore's and connect. At the present time people in the area have to go approximately two miles to get to any commercial.

Mr. Yeatman said he felt that one gasoline station would be enough in this area. What about signs, he asked?

They will comply with the new sign ordinance requirements, Mr. Hanes replied. They do not yet have a lease on the property.

What is the exact frontage of this site, Mr. Smith asked?

From the plat it looks like 125.07 ft., Mr. Hanes said.

Mr. Smith said he was surprised that any distributor would contract for a lease on frontage less than 150 ft., especially with the curve there.

This has not hampered present negotiations, Mr. Hanes told the Board.

No opposition.

At the time the property was zoned, was the entire 8 acres in the same ownership, Mr. Long asked?

Mr. Hanes said he did not believe so, it was in separate parcels.

How many acres is owned by the Gallegos brothers in this area contiguous to this parcel of land, Mr. Long asked?

He owns 1.2 acres and two other parcels, Mr. Hanes said; he would have to look at the deed books themselves.

Did Mr. Gallegos sell to the 7-Eleven, Mr. Long asked?

Yes, Mr. Hanes replied.

In application S-168-69, an application by J. R. and L. Gallegos, for a permit to erect and operate a service station on property located at 8300 Hooes Road, Springfield District, also known as tax map 89-3 ((1)) 25, 25A, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 23rd day of September, 1969 held a public hearing on this case, and

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

1. The subject property is owned by J. R. and L. Gallegos and is a part of approximately 8 acres zoned C-N in separate ownerships,

2. There has not been a total development plan prepared for this 8 acre area,

3. This would be the second gas station within this C-N zone, and

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

There has been no evidence submitted that this gasoline station would be in harmony and have economic relationships with other uses nor that the prevailing shopping habits of nearby residents would be served by this use.

NOW THEREFORE BE IT RESOLVED, that the subject application of J. R. and L. Gallegos, under Section 30-7.2.10.2.1 of the Code of Fairfax County, to permit a gasoline station at 8300 Hooes Road be and the same hereby is denied as not conforming to all the requirements of Section 30-7.1.2 which establishes standards for Special Use Permits in C and I districts.

Seconded, Mr. Yeatman. Carried 4-0, Mr. Smith abstaining.

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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 ground transformer station, on east side of Rt. 645, approx. 1600 ft. south of Rt. 669, Centreville District, (RE-1), Map 35 ((1)) 107A, S-169-69

Mr. Knowlton located the property on the map. This is the line leaving Dulles Airport to a substation to be located on Flat Lick Branch, he said.

Mr. Randolph Church, Jr., Attorney, stated that there is a need for the source of new power in this application. He pointed out the location of the existing transmission line in Fairfax County and stated that there is a line now that taps into an existing line and runs to serve a substation on the Dulles Airport property. The general western area of Fairfax County is served by a small sub-station in the City of Fairfax. There is a larger substation at Burke which handles transmission voltages. The proposal before the Board is to tap this line at this point and to create another substation at this point which would be called Sully. There has been substantial development in the western part of the county and new subdivisions have come into existence. This is placing a heavy strain on existing facilities.

The Board discussed briefly the possibilities of putting this underground and Mr. Smith stated that the Board has gone round and round on this subject. No one is more in favor than he is of putting them underground, he said, but he also was aware of the fact that the costs are prohibitive and the users would end up paying for it.

Mr. R. W. Carroll stated that the primary source of electricity for VEPCO customers in the general area between Dulles Airport and the City of Fairfax is Dulles Substation located on U. S. Government property at the airport. The substation has one 40 mva 115.34.5 kv transformer that supplies two 34.5 kv circuits serving VEPCO customers in the area. One circukt extends into the Herndon area and the other circuit serves the

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area west of the City of Fairfax. During August 1960, the transformer at Dulles Substation had a peak load of 7200 kva. Since that date an approximate 20 per cent annual growth rate has been established with peak loads of 23,800 kva recorded in 1966 and 23,500 kva in 1968. It is estimated that the 1969 demand will be 39,200 kva. The circuit serving the area west of the City of Fairfax is approximately 10 miles in length and had a load of 16,000 kva in 1968 and is projected to be 20,000 kva in 1969 and 24,000 kva in 1970. Voltage drop with these loads and line length becomes excessive. Loss of this circuit of the Dulles transformer would result in a loss of service or excessive low voltage conditions, to a large number of customers because tie feeders to other substations are too long to supply adequate service. Present agreements with Federal authorities limits them to the two existing circuits out of Dulles Substation.

It is necessary for VEPCO to establish a new source of supply within this growth area, Mr. Carroll continued, and to do so, VEPCO proposes to locate a substation on a 7.6 acre site which it owns on Lees Corner Road. The general area to be served and the location of the substation is shown on Exhibit #1 (on file with the records of this case). This site is located approximately one-third of the way between Dulles Substation and Burke Substation. At some time in the future another substation is planned equidistant between Sully and Burke.

The proposed substation would be known as Sully substation and would initially operate at 115-34 kv with one 40 mva transformer serving two 34.5 kv circuits but will be designed and constructed for future 230 kv operation. The substation facilities will actually occupy only a little over two acres of the tract. This area will be completely surrounded by a protective fence. The gate will be locked at all times except when an attendant is present. The site is located in a wooded area and natural screening will be preserved where possible.

The proposed substation will be constructed to meet or exceed all requirements of the National Electrical Safety Code. The facility will be attended from time to time, but it should produce no new traffic which would be hazardous or inconvenient to the neighborhood. It will produce no electrical interference, glare or air pollutants and will not discharge waste, Mr. Carroll concluded.

Mr. McK. Downs, real estate broker and appraiser, gave a report concluding that the proposed facility would be in harmony with the surrounding area and would not have a detrimental effect on the residences that exist, nor upon future development of the area.

No opposition.

In application S-169-69, an application by Virginia Electric and Power Company, for permission to erect and operate a ground transformer station, on property located on the east side of Route 645, approximately 1600 ft. south of Route 669, Centreville District, also known as tax map 35 ((1)) 107A, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 23rd day of September, 1969 held a public hearing on this case, and

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

1. The proposed facility is necessary to serve a rapidly growing area.
2. The subject property is owned by or under contract or lease to the Virginia Electric Power Company.

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

1. The application meets the requirements of Section 30-7.1.1, Standards for Special Use Permits in R districts,

NOW THEREFORE BE IT RESOLVED, that the subject application of Virginia Electric and Power Company under Section 30-7.2.2.1.2 of the Code of Fairfax County, to permit erection and operation of ground transformer station, east side of Route 645, approximately 1600 ft. south of Route 669, Centreville District, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date

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unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

3. Screening shall be provided to the satisfaction of the Land Planning Branch of the Division of Design Review.

Seconded, Mr. Baker. Carried 5-0.

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VIRGINIA ELECTRIC & POWER COMPANY, application under Section 30-7.2.2.1.2 of the Ordinance, to permit erection of transmission lines and steel poles, Centreville District, Map 34 ((1)) 27, 45, 48, 56, 46, 47 and 41 (RE-1 and C-G), S-170-69

This application is to run the transmission line from the line that goes past Dulles Airport to the sub-station which was granted in the preceding application, Mr. Church stated. He presented as Exhibit #1 the testimony that was given in the previous case to establish the need for this line which the Board accepted as part of the record.

The proposed line will be 1.17 mile in length, Mr. Church continued, and will be supported on double circuit steel poles, typical to poles shown in Exhibit #3 (on file with the records of this case). Height of the poles will be 90 to 105 ft. and they will be spaced at an average distance of 540 ft. apart. Voltage can be increased to 230,000 at a later date. Easements have been secured from land owners in every case except one. This route was selected after consultation with the County. The hearing before the Planning Commission is scheduled for September 29.

Mr. Downs stated that the report which he submitted in the preceding case applies to this one also. The route is an excellent one and will not have an adverse effect on existing or proposed development.

No opposition.

In application S-170-69, an application by Virginia Electric & Power Company, for permit to erect transmission lines and steel poles, on property located in Centreville District, also known as tax map 34 ((1)) 27, 45, 48, 46, 56, 47 & 41, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 23rd day of September, 1969 held a public hearing on this case, and

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

1. The subject property is owned by or under contract or lease to the Virginia Electric and Power Company.

2. The subject property is zoned RE-1 and C-G, and

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

1. That the application meets the requirements of Section 30-7.1.1 and 30-7.1.2 which relate to the Standards for Use Permits in R, C and I Districts

NOW THEREFORE BE IT RESOLVED, that the subject application of Virginia Electric and Power Company, under Section 30-7.2.2.1.2 of the Code of Fairfax County, to permit erection of transmission lines and steel poles, Centreville District, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

3. The Board in granting this application realizes that the granting is subject to Planning Commission review under State Code 15.1-456. Action of this Board should not in any way be construed as a change of County policy regarding building permits for these poles.

Seconded, Mr. Baker. Carried 5-0.

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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 dial center and plant test desk, south side of Burgundy Road, east of Chapin Avenue, Lee District, (R-12.5), Map 82-2 & 83-1 ((1)) par. 50, S-183-69

Mr. W. W. Koontz represented the applicant. He stated that the dial center when completed will have between 30 to 35 employees and approximately 50 parking spaces have been shown on the preliminary site plan. This property consists of slightly over 7 ac. It will serve 5,000 telephones in the beginning and by 1970 the capacity will be 21,000. This will be a one story building with full basement. The lines will be underground.

There will be no noise or fumes, Mr. Koontz continued, and the hours of employees' work are 8 a.m. to 5 p.m. except for one or two at night. The plant test desk will test the cables that go in and out of the center.

Mr. Robert DeMasi stated that basically the test center is used to test the wire facilities between the central office and the telephone. There is a man in the test center who checks it through at the time the phone is installed to see that everything is working the way it should. When there is trouble on the line they check it from the test desk so they will know where the breakdown is. The test center actually serves three or four dial centers. This is a very centrally located point. That is why they want to put it here. The proposed building will be 142' x 105', brick construction.

No opposition.

Letter from the Planning Commission indicated approval of the application.

Mr. McK. Downs' report concluded that the application, if granted, would have no detrimental effect on existing or proposed development for the area.

In application S-183-69, an application by Chesapeake and Potomac Telephone Company of Virginia, for erection and operation of dial center and plant test desk on property located on the south side of Burgundy Road, east of Chapin Avenue, also known as tax map 82-2, 83-1 ((1)) 50, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 23rd day of September 1969 held a public hearing on this case, and

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

1. The subject property is owned by or under contract or lease to the C & P Telephone Company.
2. Present zoning is R-12.5.
3. The facility is needed to serve the growing number of people in this area, and,

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

The standards for special use permits in R districts have been met as specified in Section 30-7.1.1 of the Code,

NOW THEREFORE BE IT RESOLVED, that the subject application of the Chesapeake & Potomac Telephone Company of Virginia, to permit erection and operation of dial center and plant test desk, south side of Burgundy Road, east of Chapin Avenue, be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to date of expiration.
3. The building is to be constructed of brick and in accordance with the rendering submitted to the Board.

Mr.
Seconded, Barnes. Carried 5-0.

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MCLEAN BOYS CLUB, application under Section 30-7.2.6.1.1 of the Ordinance, to permit athletic fields for boys club, located on the north side of Lewinsville Road between Balls Hill Road and Dolley Madison Boulevard, Dranesville District, Map 30-1 ((1)) 33, 34B, S-193-69

Mr. Douglas Mackall reminded the Board that this was granted an out of turn hearing in view of the urgent need for this facility for use by the McLean Boys Club as a softball field. This is County owned land and they have permission from the Board of Supervisors to use it subject to BZA approval. They are trying to get a waiver of site plan subject to two provisions: (1) that the northernmost entrance be used as entrance only to this land; no entrance from Dolley Madison Boulevard, and (2) there will be a dustless surface parking area. They have seeded the land and grass is growing. This will be used as three different fields -- for football, soccor and baseball. They are not going to construct any buildings. They are using the entire parcel of land and have designed this according to Mr. Sunday of the County.

At this point they do not know how much parking will be provided, Mr. Mackall continued, they have permission from Mr. Thompson across the street to use his property if they need extra parking.

(If there is additional land to use, this would require another application, Mr. Smith noted.)

Mr. Richard Pleasants, President of the Boys Club, said that one Little League field is planned. They have not yet obtained funds for a backstop. There will be no senior Little League or Babe Ruth. This is a practice field, therefore very little parking is required. Parents will bring the children and drop them off. This will be a temporary use until the County gets ready to build there.

The Ordinance requires that parking be on the site unless there are contracts on other land for parking, Mr. Smith stated, then possibly the Board could consider it if there were contracts.

This is a 12 month program, Mr. Mackall said. They have a membership of 100. They have other established recreation areas using several schools and the American Legion fields.

Mrs. Smith of Langley School was present and stated that she had no objection to them parking at the school, if necessary.

To make it valid, they would have to have a written agreement, Mr. Smith said.

Mr. Smith read a memo dated May 28, 1969, from John F. Chilton to C. M. Garza, stating that in addition to the BZA approval, approval of a site plan would be required for such use, however, Section 30-11.3 provides for waiver of site plan in certain situations. After reviewing the plat submitted and having site inspection, he recommended waiver of site plan with the following conditions -- that the northernmost entrance be posted as entrance only -- do not exit, since a woods on the adjoining property severely limits sight distance in a northward direction, and that some provision be made for a dustless surface which should be maintained through the use of the property.

Memo from C. M. Garza to C. W. Porter, stated that the site had been reviewed for temporary use by the applicants. Proper grading as indicated on the plan would not create any problem. He suggested that the proper entrance and adjoining sight distance should be cleared by the Highway Department before construction, and would recommend that site plan be waived as indicated by the memorandum from Mr. Chilton to him.

Mr. Smith also noted a memo from the County Executive waiving the permit fee in connection with the application.

No opposition.

In application S-193-69, application by McLean Boys Club, for permission for athletic fields for boys club, located north side of Lewinsville Road between Balls Hill Road and Dolley Madison Boulevard, Dranesville District, also known as tax map 30-1 ((1)) 33, 34B, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 23rd day of September 1969 held a public hearing on the case, and

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

1. That the property is owned by the Fairfax County Board of Supervisors and is being used by the applicant with permission of that Board;

2. That there has been no citizen opposition to this case, and,

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

This application meets Standards for Use Permits in R Districts in Section 30-7.1.1 of the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, that the subject application of McLean Boys Club, under Section 30-7.2.6.1.1 of the Code of Fairfax County, to permit athletic fields for boys club, north side of Lewinsville Road between Balls Hill Road and Dolley Madison Boulevard, Dranesville District, be and the same hereby is granted with the following limitations:

1. This permit will not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction or operation has started unless renewed by action of this Board prior to date of expiration.

3. The applicant shall provide a minimum of 10 parking spaces and with all parking in connection with this facility being on-site.

4. That the final layout of the athletic fields shall be approved by the County Land Planning Branch.

Seconded, Mr. Barnes. Carried 5-0.

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DEFERRED CASES:

NATIONAL MEMORIAL PARK, application under Section 30-7.2.3.1.1 of the Ordinance, to permit cemetery use, W. side of Hollywood Road 0.3 mile north of Lee Hwy., Providence District, (R-12.5), Map 50-1 ((1)) 16, S-79-69 (deferred from July 8)

Mr. Long disqualified himself on this application as his firm drew the plats for the applicant.

Mr. Charles Radigan reviewed the case briefly. The primary concern of the Board at the previous hearing, he said, was whether or not the shop area falls within the definition of accessory use. The plat shows that it is contiguous to the park and falls within the definition of accessory use. This area is necessary and incidental to the cemetery use. This tract of almost 200 acres would be served by this maintenance area. He showed a rendering of the proposed building 460 ft. x 20 ft., and presented a list of equipment to be stored under roof. The park employs in the winter time 25 to 30 people, and in the summers between 35 and 40 people. These facilities provide locker space and wash up area for employees, as well as housing the equipment. This will be masonry brick faced construction all the way around.

Will there be fabrication of vaults or lids or this type of thing, Mr. Smith asked?

The only pouring of concrete on these premises would be for the marker bases, Mr. Radigan replied. The markers are set flush in the ground. This is a thin slab of concrete incidental to the marker. They have withdrawn the request for the vault manufacturing and this type of thing. The marker base will be poured at the gravesite. It is a foundation for the grass plot so it will not sink into the ground.

Mr. Smith said it was his concern that there be no manufacturing in this residentially zoned area and if the Board deviates from this it would be in question. He reminded the Board that they denied another cemetery permission to park a trailer on the property to be used as a sales office and to allow this cemetery to pour concrete at the gravesite is fine, but to fabricate it in the building and move it to a grave site is a form of manufacturing and would infringe upon the residentially zoned land.

The Calvary Memorial Gardens does this at the present time, Mr. Radigan said; it is a practical necessity. This has to be done under uniform conditions at the gravesite. The brass plaque is manufactured out of state and bought by the park.

If it is poured at the grave site this is one thing, Mr. Smith said, but if it is poured in the building, it is manufacturing.

Mr. Hawkins from the Park said it would be impossible to pour these in place for the simple reason that the bronze plaques have bolts in the rear of them and they are attached so they can be disattached and replaced if necessary.

Mr. Smith said he still felt this was a fabrication in a residential zone and would be in violation of the Code.

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In application S-79-69, an application by National Memorial Park, for cemetery use, on property located on the west side of Hollywood Road 0.3 mile north of Lee Highway and also known as tax map 50-1 ((1)) 16, County of Fairfax, Virginia, Mr. Yeatman moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 23rd day of September, 1969 held a public hearing on this case, and

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

1. The property is owned by the National Memorial Park.

2. The subject property is zoned R-12.5.

3. There was no opposition to the proposal, and,

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

The application complies with provisions of Section 30-7.1.1 which relates the standards for Use Permits in R Districts.

NOW THEREFORE BE IT RESOLVED, that the subject application of National Memorial Park under Section 30-7.2.3.1.1 of the Code of Fairfax County, to permit cemetery use, west side of Hollywood Road, 0.3 mile north of Lee Highway, Providence District, be and the same hereby is granted, with the following limitations.

1. This permit shall not ve valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of the Board and is for the location indicated in the application and not transferable to other land. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

3. That there be no fabricating of any concrete products on this property other than the one item discussed at length, this being the concrete base for the marker,

4. That the construction of the building shall be in accord with plat submitted showing size and location of the building, and shall be of brick construction, and

5. That vehicles housed in the building will be in accord with the list submitted to the Board.

Seconded, Mr. Barnes. Carried 3-0 (Mr. Smith and Mr. Long abstained).

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LAKE BARCROFT RECREATION CENTER, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit community recreation uses for private membership of 400 families, including indoor swimming pool, outdoor swimming pool and wading pool, service activities building, tennis courts, handball courts and putting greens, Par. A, Sec. 3, Lake Barcroft, Mason District, (R-17), Map No. 61-3 ((14)) A, S-142-69 (deferred from July 22)

Mr. Smith stated that the Board visited the subject property last Tuesday afternoon and spent 1 1/2 hours walking over the property in both directions, observing as much of the terrain as could be seen with the naked eye. All five members were present with an inspector from the Zoning Division. They were all amazed, he said -- they did not see or hear a bird during their entire stay on the 14 acres. The public hearing on this matter is basically over, he said, and the application was deferred for additional information that might be given the Board to facilitate a decision either for or against the application. The Board has spent considerable time trying to arrive at any bit of information that might be helpful in this matter. At the last meeting it was decided that the applicants and the opposition would each be given ten minutes at this hearing to present additional information.

Mr. Waterval directed the Board's attention to three new matters in support of the application: He had sent all of the Board members letters dated August 27, 1969 including a formal amendment to the application showing a revised site plan dated August 8, 1969, and he said he would like to have the letter and revised site plan read into the record.

The three main points of the new plan are as follows, Mr. Waterval stated: The main entrance is now treated with a formal landscaped entranceway, walled entrance, and a 55 ft. front yard setback with a divided median strip planter driveway. The second point is that the main entrance driveway and parking has been moved toward the center of the property and away from the southern boundary line. Thirdly, the parking on Lakeview Drive has the security fence relocated on the perimeter of the parking lot away from blocking Mrs. Kubot's driveway and the use of the parking lot is controlled by an autogate opposite Mrs. Kubot's rear lot line.

The second new matter, the letter he wrote to the Board on September 19, 1969, he would like to have read into the record, Mr. Waterval continued. The essential part of this deals with professional traffic surveys conducted by Alan M. Voorhees & Associates. This survey was conducted for the applicants in the interim period since the public hearing of July 22, 1969. The professional findings are as follows: In summary, road access to the recreational center should be from Whispering Lane. If the 14.2 ac. site were developed for single-family residences as presently zoned, as a matter of right, the traffic generated would add substantially to the existing peak hours of traffic in the affected collector streets. The development of the tract as community recreation eliminates the impact of single family homes traffic generation at peak hour week day trips. The recreation center traffic is a leisure time activity and has its peak flow on week ends. Even under maximum conditions the week end peak does not exceed the peak hour regular traffic week days.

The third new matter, Mr. Waterval told the Board, is a letter dated September 22, 1969 addressed to the Chairman, with a copy of a letter from B. Ralph Bell, Senior Planner, Office of Planning, County of Fairfax, which states as follows: "The current official plan of Public Facilities, Park and Recreational areas of Fairfax County adopted after full public hearing and approved by the Planning Commission and full hearing and approval by the Board of Supervisors designates this site as County area park."

Mr. Waterval then summarized for the Board the positive evidence in support of the application. The development plan, the applicant's by-laws and articles of incorporation are consistent with the Zoning Code definition of community use. The architect's statistical analysis presented at the last public hearing shows only sixteen per cent of the 14.2 ac. tract is actually being developed by structures, roadways, parking lots, tennis courts and swimming pool. This is consistent with the County and State Codes which state, in effect, that in granting special use permits the Board of Zoning Appeals must consider the overriding benefits derived to the community as a whole to the end that a centralized community area be developed with adequate recreational facilities and parks and other community uses in order to maintain a convenient, attractive and harmonious community with protected areas of open green space and with duly consideration against overcrowding of land and consistent with the conservation and natural resources. Dr. Christopher Murphy's letter shows the limitations on swimability of Lake Barcroft. Dr. William Dove Thompson's letter of support, recommendations, memorandum of official County policy to encourage this type of recreational facilities and his personal knowledge and assistance in developing the applicant's plan, is on file. The staff report from the Division of Land Use Administration says that little other use could be made of this land because of topography. The professional traffic consultant's report by Voorhees & Associates is in support of the applicant's plan. There is a declaration of official policy by the Board of Supervisors after public hearing, debate and approval by the Planning Commission and the planning staff that this site is set aside and designated for park area. Should this be a controlled use under the Board of Zoning Appeals procedures at private expense, or an uncontrolled use as a public park at public expense? Which will have the least over-riding traffic congestion and nuisance impact on the community?

The parking shown on the plat was supposed to be parking for Beach #2, Mr. Yeatman said -- where will those people park now?

Between there and the access road, Mr. Waterval replied. There will be 16 parking spaces provided, the same parking as is there now.

Mr. Yeatman said he would prefer to see the parking for the use located where the tennis courts are proposed. This is the widest piece of property and there would be less noise from the automobiles.

The traffic consultants considered that and one of the problems is that during the summer there would be a confluence of two recreational facilities coming into this street -- there is Beach #2 and its parking, Mr. Waterval said. It is desirable to have the access as the professional consultants indicate, off Whispering Lane. They can certainly eliminate some of the parking along there and expand the north part to give more balance to the on-site parking. They don't want Lakeview Drive to be the main entrance to the facility.

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Mr. Smith referred to a letter addressed to Mr. Donald Humphrey, one of the many letters he has received; "the Fairfax County Park Authority has no plan to acquire Parcel A, tax map section 61-3" signed by Mr. Robert J. Lawler, Superintendent of Administration, Fairfax County Park Authority, so this would probably answer one question in mind, he said. He would assume there is no plan at the present time.

Mr. Waterval said he hoped there was not an implication that the Park Authority is breating hot and heavy for the acquisition of the property -- it is more or less on the taking line of the Public Facilities Plan.

Mr. Smith noted another letter addressed to the same individual -- from Mr. Jorgenson of the Fairfax County Park Authority, further elaborating on Mr. Lawler's letter.

One of the questions raised in a number of letters to him was with relation to by-laws, Mr. Smith said. Any applicant for membership who owns a share of stock in the Recreation Corporation who has contracted for the purchase of such a share on condition that his application in the Recreation Center, Inc. is accepted, shall be entitled to acceptance without regard to where there is a vacancy, under Section II of this Article. Unless good cause for rejection is shown as provided in Section II, ownership of such stock alone or jointly with husband and wife shall qualify the applicant under this section, but ownership under circumstances which do not permit exercise of voting rights under articles of incorporation in the Recreation Association shall not qualify them. What happens if you get 400 members and there is really no vacancy, and one applies and is accepted, Mr. Smith asked?

Obviously the answer is that there are not going to put more than 400 people in violation of the use permit, Mr. Waterval said.

Mr. Long asked if they had considered developing the property in five acre sites?

This is not their goal, Mr. Waterval replied -- they need recreation and open space.

The land is no rougher than other land in Lake Barcroft, Mr. Long said, so another use could be made of it.

In the traffic survey the Board will see a recorded plat of this land in 26 lots meeting the R-17 criteria, Mr. Waterval pointed out, and the report shows that the peak hour traffic would be substantially impacted. However, this plat was vacated in 1958 and the land reserved for appropriate recreational uses. That definition of why it was reserved and what for is the subject matter of the lawsuit which is forthcoming.

What is the covenant on the land and the nature of the lawsuit, Mr. Yeatman asked?

The case of the recordation being vacated for proposed development of these lots means that now no development for residential lots could be made until such time as the applicant has come in under Subdivision Control, Mr. Smith asked?

Yes, Mr. Knowlton replied, he would have to bring in a new plat and have it approved.

So really the previous plot plan could very well not be approved in its entirety for subdivision purposes if the applicant attempted to use it in this manner, Mr. Smith said?

A subdivision plat is quite often revised, Mr. Knowlton stated, to a different number of lots, different layout, different street layout, even after they are approved and recorded.

Regarding covenants on the property, Mr. Waterval said, one which he did not recall the specific language of said no residential use of the property; that is not an element of the lawsuit. The other covenant said the land hereby conveyed shall be used only for the purposes of a beach and appropriate uses accessory thereto. In a nutshell, the lawsuit is a declaratory judgment proceeding to have the court interpret two questions. Is what they are doing within the definition of appropriate uses accessory thereto? The second point of the lawsuit deals with the fact that there are other covenants running with every residential lot in Lake Barcroft and that covenant says that all residential lots shall be subject to an annual charge of $60.00 which shall be paid to the grantor which shall maintain the maintenance corporation which shall be the owner of said charge for the use and maintenance for the beaches in Lake Barcroft. In other words, the man pays $60.00 and he has the right to use the beaches of Lake Barcroft. The title insurance company wants to know that no matter what is built on Parcel A, does a man who pays $60.00 have a right to use that? Not to object to what is on it, but the right to use it.

Opposition: Mr. Philip N. Brophy, attorney, appeared in opposition, representing a group of people whose residences were indicated on an overlay presented to the Board, and a group of people who submitted letters, most of which are in form, but some of which are individually written, he said. Of this number of people 18 of them are actually adjacent to this location. There are others, 161 which he represents

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either by reason of those letters, or by reason that he has been specifically retained primarily in the matter of the lawsuit.

Mr. Smith reminded Mr. Brophy that ten minutes had been set for the opposition's presentation and he knew of one other person who states that he represents a number of people in relation to this also. How many people does Mr. Humphrey represent, he asked?

305, Mr. Humphrey replied.

Mr. Smith allotted Mr. Humphrey four minutes and Mr. Brophy six.

Mr. Brophy said he had written a letter to the Chairman in which he questioned whether or not it would be advisable at this time for the Board to proceed in view of the lawsuit. He understood that the Board has taken the position that generally the mere fact that a lawsuit is pending relative to the use of the land in one way or another by reason of covenant or otherwise is not sufficient for the Board to ignore the thing, pass it over, or do anything else. However, in those cases, generally speaking, it is the objective to file the lawsuit and in this particular case the whole situation is wrapped up in this lawsuit and is part of the petition filed by the petitioners in the declaratory judgment action and the petitioners tie the Boardin with the whole matter. Under the circumstances, and while he agreed generally with the Board's position, he felt that the resolution of the meaning of the covenants which were read to the Board is extremely important and could bring out many factors the Board would want to consider. There are many points involved. The problem was created by the applicants and the petitioners in the lawsuit and under these circumstances it would seem most inappropriate for this Board to interpose itself in the lawsuit by reason of ruling on this application and he suggested that the Board seriously consider on the basis of what he said in his letter and before the Board, and on the basis of what they have heard from Mr. Waterval.

When this thing first developed there was distributed a great deal of literature which limited the membership of this athletic club to residents of Lake Barcroft, Mr. Brophy continued, and this is now not the situation. When it was first proposed it was a small operation competitively speaking, and a great many of those had no objection to a small installation but as it grew and imposed itself more and more onthe neighborhood, and notwithstanding the survey which began to generate an excess amount of traffic over what was originally proposed, these people have shifted over to opposition. These changes in operation have created a problem within the neighborhood which makes the question of the covenants even more important. For the Board to rule at this time, and find out if the covenants are good, then they have ruled an annulity. If the covenants are not good, there would be an entirely different problem to consider.

As to traffic, Mr. Brophy went on to say, according to the traffic survey, there is a matter of right to have single-family dwellings. The Board is asked to consider the traffic survey based on a fallacy. The court has not ruled on this question whether there is a matter of right on this particular point. Here again is something that has to be of concern. What would the survey show if as a matter of right the land could not be subdivided according to the survey? If the court would rule that some part of this particular program is appropriate and is a beach an accessory use and within the covenants, then the plan that is presented would only be good insofar as part of it is and this plan would be out of the window and a new plan would have to be submitted. For a plan this size, it is doubtful in his mind, he said, that there is a real public requirement that there be located at this particular point this particular plan. He suggested that there is a lot more to be done and resolved before a practical, realistic approach could be made by the Board. Otherwise, the Board will have to speculate on many suppositions, most of which will be resolved by the lawsuit. It is, even though a mild form, an imposition of a rather extensive semi-commercial type of operation which apparently is not restricted to residents of Lake Barcroft and they have the other problem of $60.00.

Mr. Smith asked when the case would be resolved in court.

The Commissioner's report would be determined in November, Mr. Waterval said. He did not know when the court would hear it, hopefully in December.

Mr. Smith asked the people in opposition to stand. (58 people stood in opposition.)

53 people stood in favor of the application.

Mr. Don Humphrey, President of the Barcroft Hills and Belvedere Citizens Association, represented 305 homes in opposition. He told the Board that 17 property owners in the community have submitted to the Board in writing that they are opposed to the facility. They feel that the siting of this facility adjacent to their rear lot lines will reduce the use and enjoyment of their land and would have a detrimental effect on community streets. The Lakeview Causeway has never been built and traffic would have to pass by homes on residential streets to get to the facility.

September 23, 1969

LAKE BARCROFT RECREATION CENTER, INC. - Ctd.

He stated for the Barcroft Woods group that on the 15th of September their group directly opposed the use permit unless the Causeway is opened. In this regard, on October 29 of last year after it was well known in the community that this facility was proposed, three people in the community residing on Lakeview and Dearborn Drive petitioned the Board of County Commissioners to close the Causeway but he was happy to say the Board did not do that. He offered a statement made by them but the Chairman said he had received a copy of it and in the interest of time they should proceed.

Mr. Humphrey referred to minutes of the Board of Supervisors meeting at which "Supervisor Miller said that some years ago when Mrs. Anne Wilkins was a member of this Board, the subdivision of Barcroft Woods was constructed but at that time there was considerable furor in the adjacent Lake Barcroft that through traffic would come from Barcroft Woods and disrupt the community." At that time the Board agreed not to permit through streets from Lake Barcroft on the express condition that the subject easement Lakeview Causeway would not be vacated. After this was done Oakwood Drive where he now lives was then opened up to connect with Bent Branch Road and a good share of traffic flowing out of Lake Barcroft must pass along that street. The street is used by school children and there are no sidewalks.

Regarding the matter of acquiring this site for park purposes, Mr. Humphrey said he has been told by the County Park Authority that this plan has been dropped.

The adopted master plan for parks in the County designates this as County park and it is still in force, Mr. Smith said.

Mr. Knowlton reported that he spoke with Mr. Ralph Bell in Planning a few minutes ago.. This plan was drawn in 1958 and subsequently adopted by the Board of Supervisors as the Recreational Plan or Public Facilities Plan for the particular area for which it covers. Normally this would fall in the Bailey's Planning area and there was subsequently a Bailey's Plan adopted. For some reason or other it only included the industrial commercial core and did not go out into this area. Since the adoption of this there has been nothing to supersede it. It does show that particular site as recreation facilities. It is not too specific as plans were not in 1958 as to what type of recreation facility, but the plan is still in effect. This by no means says that the Park Authority is about to purchase the land. It is the policy of the County that when this area has developed to its potential use to say that there will be the need for this as recreation area.

Mr. Smith said he felt in all fairness to all concerned, the Board should defer final action till this matter is resolved in court.

Mr. Waterval contended that there was no new information that the court could render to aid the Board's deliberations. He asked for a decision today, even if it is a denial. With the record built before the Board by Mr. Brophy, they will have a mandamus writ perfectly in order.

Mr. Finley told the Board that Mr. Brophy's point concerning size of the installation having increased was erroneous. This was the original design for 600 members presented at their community association meeting in 1967. Secondly, they made the point that approximately 416 families are in favor of this project. 116 of these have paid money and are stockholders. Over 300, minus 13 who withdrew, plus 10 who added, total 300, constitute people who have consented in writing. Letter from Colonel Birnbaum, President of the Community Association, states that the motion seconded and carried at a recent meeting reaffirmed its support of the proposal. Finally, having attended a few thousand meetings on first parcel A and now the recreation project, he has seen it work itself from a point of confusion to a real project which has potential. If this were passed, made into a project, built, directors elected and related to each other from within and without the community, and became friends instead of this being a giant controversy, he felt it would be an effective inter-community project. If a recreational facility of this magnitude cannot be built on nearly 15 acres, what size tract do you really have to have in order to build it, he asked?

It seems the sentiment is pretty evenly divided on this application, Mr. Long said. They have two well known and respected attorneys giving different views. In view of the litigation pending in court concerning this application, and any action by this Board today may jeopardize one of the interested parties, he would move that the application be deferred for 30 days to allow the County Attorney to render opinion as to whether the Board should act prior to court decision.

Mr. Yeatman suggested 60 days. Mr. Long accepted.

If it is only for an opinion from the County Attorney, sixty days is not necessary, Mr. Smith said. The Board members should search their own consciences and decide whether they have authority to act, rather than put the monkey on the County Attorney's back.

September 23, 1969

LAKE BARCROFT RECREATION CENTER, INC. - Ctd.

The Board further discussed a deferral of the application, and took a five minute break to try to arrive at a decision.

The applicants have litigation pending before the Fairfax County Virginia Circuit Court concerning use of this property, Mr. Long stated, and any action by the court could be a pertinent fact in the rendering of a decision by the Board. A deferral by this Board will not delay utilization of the property by the applicant therefore he moved that the application be deferred until 15 days after the applicant has submitted a court decision to the Land Use Office for their recommendation to the Board. Seconded, Mr. Yeatman.

Mr. Smith added that with permission of the mover and seconder, the applicants and opponents could submit any additional information in writing, that the record would be left open until five days prior to the date that will eventually be set for final decision. Motion carried unanimously.

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SUN OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of service station closer to rear property line than allowed, N. W. corner Route 50 and Downs Drive, Centreville District, (C-G), Map No. 34 ((1)) A, B1, V-124-69 (deferred from July 22)

Letter from the applicant's attorney requested deferral due to sewer problems. The Board deferred this to November 25.

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EARL OF HARDWICK, LTD., application under Section 30-6.6 of the Ordinance, to permit erection of building closer to property line than allowed, 6326 Little River Turnpike, Mason District, (C-N), Map 72-4 ((1)) 9, V-146-69

This application was approved by the Board on September 16, Mr. Smith recalled, the Board knowing that today's meeting would be a long one, and the information had been received.

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SUN OIL COMPANY - Route 123 and Miller Road - Request for extension.

The Board granted an extension of six months and stated that there not be any free-standing sign on the property; that signs be limited to those placed on the building in conformity and size with the new proposed sign ordinance. Any further request for extension would mean an appearance before the Board by the applicant.

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INGLESIDE FIRE STATION - Mr. Knowlton stated that the Fire Marshal has requested an out of turn hearing before the BZA to permit erection of a fire station at Ingleside. The Planning Commission has reviewed and approved this application under Section 15.1-456 of the State Code. The Board agreed to hear this as soon as it could be advertised, posted, and placed on the agenda.

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FAIRFAX - FALLS CHURCH MENTAL HEALTH CENTER - located 2949-2953 Sleepy Hollow Road. Request for temporary use of two classroom trailers for training of personnel from September 23, 1969 through May 30, 1970. The Board approved this request with the understanding that no use shall be made of these trailers until they have been approved by the Inspections Division.

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BREN MAR BAPTIST CHURCH - Request for six months extension of variance granted November 12, 1968. The Board granted an extension to May 12, 1970 with the understanding that any further requests for extension would require the applicant's ppesence before the Board.

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The Board discussed whether or not property at 2245 Huntington Avenue (C-N zone) could be used for installing seat covers and auto tops. It was formerly a Sinclair service station. The staff's opinion was that this could be done as long as it was all inside the building. Consensus of the Board was that this would be considered retail sale of auto accessories, and should be done inside of the building.

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September 23, 1969

Mr. Smith brought up the subject of the Fairfax County Water Authority location on Route 29-211. He recalled that when this was approved by the Board it was his understanding that they would screen the industrial yard, and he objected to the large sign which they have erected. It was his understanding also that the largest piece of equipment to be stored on the property was a small Caterpillar. This should be brought to their attention, he said, and if it is not cleared up, they should be brought back before the Board.

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The Board adopted a Resolution endorsing the proposed sign ordinance, to be forwarded to the Planning Commission and Board of Supervisors.

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The meeting adjourned at 6:50 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman
Approved by B.Z.A. - November 18, 1969

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 14, 1969 in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Joseph Baker. (Those present: Mr. Daniel Smith, Chairman, Mr. Clarence Yeatman, Mr. Richard Long and Mr. George Barnes.)

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

KENA SHRINE TEMPLE, app. under Sec. 30-7.2.5.1.4 of the Ordinance, to permit erection of addition to existing building, S. side of Arlington Blvd., approx. 220 ft. W. of Barkley Dr., Providence District, (RE-1), Map 48-4 ((1)) 42A, S-192-69

Mr. Smith announced that the notices were in order; they were mailed to the Chairman's home and he had forgotten to bring them to the meeting.

Mr. Carl Hellwig represented the applicant and presented a plat of the property. The initial use permit was approved in April 1962 by the BZA for use as a lodge hall and recreation area, he said, and has been used as a voting place for this precinct. Not it is necessary to expand due to increased membership and increased lodge activities. The equipment stored in the existing building will be moved to the new addition, if allowed. There will be a total of 195 parking spaces on the property. The site contains 27 acres and the property is well screened by heavily wooded areas. The existing building and addition will be more than 100 ft. from adjoining property and will not be detrimental to the character and development of adjoining lands. It will be in harmony with the proposed and present plans for the County. The construction of the addition will be of brick and will have a flat roof with parapet. There will be a basement in the addition for storage of equipment.

It would have been very helpful to have had a rendering showing how this would tie in with the existing building, Mr. Smith commented.

Mr. Hellwig told the Board that Mr. Garza informs him that this is outside the flood plain limits.

Mr. Wigglesworth, potentate, told the Board that present membership is 2300. The trustees have been notified but they will have to go through the Imperial Council for approval of the addition.

Mr. Alfred Kasner of 9005 Hamilton Drive stated that he came to the meeting out of curiosity. He reviewed the events that took place at the original hearing on this application when certain activities were planned for this property. This has been a nuisance to him in the past he said, and manyother things in Fairfax County have been a nuisance to him also.

Mr. Yeatman pointed out that Mr. Kasner lives quite a distance from this location.

Mr. Kasner stated that he wanted to remind the Board of the problems with Kena Shrine in the past and hoped this would not happen again.

Mr. Morris Caldwell, 3204 Barkley Drive, said he has found the applicants to be good neighbors, however, he understood originally they were to build a temple close to Route 50 and he wondered whether this were still their plan.

That is still their plan, Mr. Wigglesworth advised, however, unfortunately, they do not have the money to do it now.

Mr. Caldwell said he would like to see the building design in keeping with what is there and stay away from a commercial type building. Also he would like to see some shrubbery there to ease the starkness in the winter time and would like to have their garbage cans screened from view. (Mr. Wigglesworth agreed that this would be done.)

The new building will not have a kitchen, Mr. Wigglesworth said. They have had only a few affairs during the year when they have been overcrowded. Normally their meetings are held at the George Washington National Memorial Temple and they do not intend to make any changes with this. They feel this building will take care of their needs until they can afford the building they anticipate on Arlington Boulevard in the future. They do have an occupancy permit on the existing building.

But it took five years to get it, Mr. Smith reminded, and this is not in accordance with good practice.

Mr. Hellwig stated that the basement floor would be higher than the parking lot and they hope to come off the first floor level straight across.

Has there been an opportunity to do any work to see if the basement could go in and not be higher than the existing building, Mr. Smith asked?

They are not going to raise the height of the floor and they can get a basement in, Mr. Hellwig said; this is subject to site plan approval.

October 14, 1969

KENA SHRINE TEMPLE - Ctd.

There were problems attached to the original hearing, Mr. Smith stated, and he was very happy to see that this addition does not have the same situation of having the room filled with people in opposition. The Board should take a look at the plans prior to construction, he said. Parking seems to be adequate and is in the best location. This is a very worthwhile organization and does a good job in the community.

In application S-192-69, an application by Kena Shrine Temple, for erection of addition to existing building, on property located at 9001 Arlington Boulevard, Providence District, and also known as tax map 48-4 ((1)) 42A, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 14th day of October, 1969 held a public hearing on this case and

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

1. The subject property is owned by the applicant.
2. The subject property is zoned RE-1.
3. The proposed addition is 50' x 120' and would comply with the setback requirements of the Zoning Ordinance.
4. Compliance with provisions of the Site Plan Ordinance, Article XI, Chapter 30 of the County Code will be required.

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

1. This application conforms to standards for special use permits in R districts as indicated in Section 30-7.1.1 of the County Code.
2. This will not be detrimental to the character and development of adjacent land, and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Code. (The adopted Fairfax Comprehensive Plan indicates the property for public and semi-public uses.)

NOW THEREFORE BE IT RESOLVED, that the subject application of Kena Shrine Temple, under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of addition to existing building, 9001 Arlington Boulevard, be and the same hereby is granted according to the plat presented, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy for the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and not transferable to other land.

3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to the date of expiration.

4. The proposed addition will be of brick masonry construction.

5. Adequate evergreen screening shall be maintained along the eastern property line to screen adjacent dwellings.

6. 195 parking spaces will be provided, as stated by the applicant.

7. This approval is granted for the buildings and uses indicated on the plats submitted with the application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals. This includes changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

Seconded, Mr. Yeatman. Carried 4-0.

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WASHINGTON GAS LIGHT CO., app. under Sec. 30-7.2.2.1.3 of the Ordinance, to permit construction of microwave radio communication antenna, 1300 Lake Fairfax Drive, Reston, Sec. 9B, Centreville District, (RPC), Map 12-3 ((3)) 1, S-171-69

Mr. Jesse Wilson represented the applicant.

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WASHINGTON GAS LIGHT CO. - Ctd.

Mr. Knowlton located the property on the map and added that the Planning Commission held a hearing on this application last week and recommended approval.

Regarding the notices, Mr. Wilson stated that in checking the County records, he found that Reston, Inc. owned property to the south and west. Subsequent to the initial sending out of the notices, they discovered that the property had been conveyed to RoJac, Inc. They have given written notice to RoJac now but have not received return notices. A representative of that company is present, he said.

Representative of RoJac, Inc. waived the notification requirement.

Mr. Wilson pointed out the main transmission lines of Atlantic Seaboard Corporation and Transcontinental Pipeline Corporation. The applicant is requesting a special use permit for erection of a microwave communications antenna, he said, which will be constructed at the site currently in use by the gas company as a metering station. Function of this facility is to take gas from the main transmission lines and introduce it into the distribution facilities for the metropolitan area. This station controls from 40 to 50 per cent of the gas which is introduced into the metropolitan area for heating, fueling and cooking purposes. Reliable communications is a necessity in the course of maintaining reliable service for delivery of gas. It has been determined that erection and use of this facility will provide a greater reliability than the type of facility currently utilized by the Company. Precise location of the antenna on the property has been the subject of discussion between the gas company and Reston and they have obtained approval after a long period of negotiation. They have an indication that there might be some opposition to the precise location indicated in the application on the south side of the building. They have discussed the question of changing the location with Reston and have been advised that the Architectural Review Committee of Reston will approve any other site which may be appropriate and which this Board might determine more appropriate than the one indicated on the plat.

Is the property owned by the Transcontinental Gas Pipeline Corporation, Mr. Smith asked?

Yes, Mr. Wilson replied. The applicant is leasing the property for the existing use. The tower will be 75 ft. high.

Mr. John Beckwith, Superintendent of Communications for the Gas Company, stated that they have intended from the beginning to have microwave. He amplified the need for the station. There are some restrictions as to where they can place the tower on the property because of underground pipes, he said. They will probably stay as close to the building as they can.

Mr. McK. Downs, real estate broker and appraiser, assured the Board that such an installation is compatible with a residential neighborhood.

Mr. J. Strause Campbell appeared on behalf of RoJac Corporation, concurring in the location of the tower as stated.

No opposition.

In application S-171-69, an application by Washington Gas Light Company, for construction of microwave radio communication antenna, on property located at 1300 Lake Fairfax Drive, also known as tax map 12-3 ((3)) 1, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS following proper notice to the public by advertisement in a local newspaper, posting of the property and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 14th day of October, 1969 held a public hearing on this case, and

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

1. That the subject property is owned by the Transcontinental Gas Pipeline Corporation.
2. That the subject property is zoned RPC.
3. That the proposed antenna and its supporting tower will extend 75 ft. above the ground level.
4. That the setback requirements of Section 30-3.1.1 (fall easement) have been met.
5. That compliance with provisions of the Site Plan Ordinance, Article XI, Chapter 30, of the County Code, will be required, and

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

October 14, 1969

WASHINGTON GAS LIGHT CO. - Ctd.

1. This application conforms to the standards for special use permits in R districts as indicated in Section 30-7.1.1 of the County Code.

2. This use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Code. (The adopted Difficult Run Comprehensive Plan indicates the property for single-family residential uses, not to exceed 2.5 dwelling units per acre.)

NOW THEREFORE BE IT RESOLVED, that the subject application of Washington Gas Light Company, under Section 30-7.2.2.1.3 of the Code of Fairfax County, to permit construction of microwave radio communication antenna, at 1300 Lake Fairfax Drive be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to date of expiration.

4. The tower shall be located within 10 ft. of the front of the building as shown on the plat presented.

5. The applicant shall maintain the trees on the property to provide screening to adjacent properties.

6. Maximum height of the tower will be 75 ft.

7. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not these additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

Seconded, Mr. Barnes. Carried 4-0.

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FRANK W. EVANS, app. under Sec. 30-6.6 of the Ordinance, to permit covered porch 25.9 ft. from Swinton Drive, Kings Park West, Sec. 6, Lot 391, 5035 Swinton Drive, Springfield District, (R-17 cluster), Map 68-4 ((6)) 391, V-172-69

Mr. Jesse Wilson and Mr. Evans were present in support of the application. Mr. Wilson presented petitions signed by neighbors indicating that they had no objection to the request.

The Board questioned why the application was made in the name of Mr. Evans rather than Richmarr Corporation, the owner.

The porch was constructed at the request of Mr. Evans, the contract purchaser, Mr. Wilson said.

Richmarr is the owner and they constructed the porch, Mr. Smith said, therefore they should be the applicant in the case. The contract purchaser did not make the mistake.

Mr. Evans explained that he contracted to purchase the home which was not supposed to have a front porch. He contracted to have Richmarr construct a porch across the front of the house and the violation was not discovered until the house had been completely built and he made the application since the porch was built at his request. There are homes all around his that have front porches.

Mr. Knowlton stated that there is a building permit for the house but plans submitted with the building permit application and the intermediate survey on file did not indicate a porch on the house.

The porch was constructed prior to getting a building permit for it, Mr. Smith said, so the Board has no justification for granting this request. The porch has not been inspected to see if it complies with Building Code requirements. The Board has to determine whether this was an honest error on the part of the applicant, and in this case the applicant did not make the error.

This is an open porch, Mr. Evans stated, and will remain so. It is only a roof and concrete deck.

FRANK W. EVANS - Ctd.

Prior to final approval, the Richmarr Corporation should apply for a building permit for the porch, Mr. Smith suggested; construction should be checked by the building inspector to see if this conforms to County requirements. Also the name of the applicant should be changed to read Richmarr Construction Company rather than Mr. Evans.

Mr. Yeatman moved to defer for one week for additional information requested by the Board. Seconded, Mr. Barnes. Carried unanimously.

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NATIONAL CONSTRUCTION & DEVELOPMENT CO., INC., app. under Sec. 30-7.2.2.1.6 of the Ordinance, to permit erection and operation of sewage disposal system, S. end of Holly Ave., approx. 2,100 ft. S. of Lee Highway, Centreville District, (RE-1), Map 56-4 ((1)) 26, S-184-69

Mr. Smith read a letter from Dr. George Kelly requesting deferral of the application for Planning Commission hearing and recommendation.

Mr. Knowlton pointed out that the application did not have proper plats on file.

Mr. Barnes moved to defer until after the Planning Commission has reviewed this and made a recommendation, and for proper plats to be submitted. Seconded, Mr. Yeatman. Carried unanimously.

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FAIRFAX COUNTY WATER AUTHORITY, app. under Sec. 30-7.2.2.1.5 of the Ordinance, to permit construction and operation of well house and one 5,000 gallon storage tank, 1030 Walker Road, Dranesville District, (RE-1), Map 12-4 ((1)) pt. 14, S-176-69

Mr. Knowlton located the property and added that the Planning Commission recommended approval under Section 15-1.456 of the State Code.

Mr. Fred Griffith explained that the application is as a result of a program the Water Authority is adopting regarding developments in areas that are not financially practical to serve by extending the existing water system. This has been approved by the Board of Supervisors in order that fire protection be made immediately available to the area. The object here is not to have 62 wells that would give people problems. This will be a public supply from a deep well system and the Water Authority will be responsible for supplying these people with water. They have to pick a site according to the Virginia Department of Health and it is in the middle of a 50 ft. radius. They will probably have to go down 500 ft. to hit water. The number they can serve will depend on production. If they can get sixty gallons a minute they could provide more storage and could serve up to 75 or 100 people. They will probably put in one fire hydrant. There is an existing house on the property which will remain. These homes will be on one acre lots, on septic fields. This is basically an estate area.

No opposition.

The Water Authority will control the portion of the land on which the well is located, Mr. Griffith further stated. The land will be vacated and revert back to the property owners when they vacate the premises. Right now the property is owned by the development corporation but when this well is vacated, the land would fall on three lots in three separate ownerships. The tank is 6' x 24' and set up on blocks, and will be less than 8 ft. high. The building will be 12' x 20' and about 10 ft. high, of brick construction. He showed a picture of one at Bear Ridge which would be similar to the one proposed. The tank would be green or gray to blend in with the existing area.

In application S-176-69, an application by the Fairfax County Water Authority for construction and operation of well house and one 5,000 gallon storage tank, on property located at 1030 Walker Road, also known as tax map 12-4 ((1)) pt. 14, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 14th day of October 1969 held a public hearing on this case, and

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

1. The subject property is owned by Multilateral, Inc., and is on an easement granted to the Fairfax County Water Authority in connection with the pending subdivision of Old Mill Estates - Section I.

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FAIRFAX COUNTY WATER AUTHORITY - Ctd.

2. The site is zoned RE-1.

3. The easement is 100 ft. square and contains 10,000 sq. ft. of land.

4. No other source of public water is now available to the area, and,

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

1. The application conforms to the standards for special use permits in R districts as indicated in Section 30-7.1.1 of the County Code.

2. The use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Code. (The adopted Difficult Run Comprehensive Plan indicates the property for one acre single-family uses.)

NOW THEREFORE BE IT RESOLVED, that the subject application of Fairfax County Water Authority, under Section 30-7.2.2.1.5 of the Code of Fairfax County, to permit construction and operation of well house and one 5,000 gallon storage tank at 1030 Walker Road be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to the date of expiration.

3. Screening should be planted around the pump house shown on plats submitted.

4. The pump house shall be constructed in accordance with rendering submitted.

5. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

Seconded, Mr. Barnes. Carried 4-0.

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WILLIE J. & GERALDINE McCRAY, app. under Sec. 30-6.6 of the Ordinance, to permit open patio cover 4.2 ft. from garage, 8019 Imperial Street, Mt. Vernon Valley, Lee District, (R-12.5), Map 101-1 ((5)) (12) 5, V-173-69

Mr. W. J. Buckner from Builders Permit Service and Mr. McCray were present. The awning was purchased from Korvette Company and installed by a sub-contractor, Mr. Buckner explained. He had no part in the construction of the awning. Mr. McCray got a permit to erect a garage and built it himself. After he got the permit and built the garage, an inspector came out and inspected the footings and gave approval. Now he is informed that he is in violation -- that the garage is too close to the awning. Korvette put up the awning and it did not show on the plats when the applicant got the permit for the garage.

Mr. McCray said he got the permit for the garage and built it himself where the Building Inspector told him to dig the footings. He poured the concrete under the awning later on. Mr. Barry, Zoning Inspector, discovered the violation when he made the final check on the garage location. The garage is not 12 ft. from the awning..

Mr. Smith said he felt certain that this was an honest error and a note from Mr. Barry indicates that the applicant has cooperated in every way.

Mr. Buckner said the supports for the awning are not of wood -- there is no combustible material attached to the awning.

Mr. Koneczny stated that Korvette Company does have a home improvements license from the County -- No. 419.

No opposition.

In application V-173-69, an application by Willie J. and Geraldine McCray, to permit awning or patio cover to remain 4.2 ft. from existing garage, on property located at 80.9 Imperial Street, also known as tax map 101-1 ((5)) (12) 5, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

October 14, 1969

WILLIE J. & GERALDINE McCRAY - Ctd.

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 14th day of October 1969 held a public hearing on this case, and

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

1. The subject property is owned by the applicants.
2. The lot is zoned R-12.5.
3. The awning is now in place and is 4.2 ft. from the wall of the garage and approximately 2.7 ft. from the garage roof overhang.
4. All other requirements of the Zoning Ordinance are met.

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

1. The application conforms to the standards for special use permits in R districts as indicated in Section 30-7.1.1 of the County Code.

2. This use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the Comprehensive Plan of Land Use embodied in the Code.

3. This is a hardship resulting from an honest error on the part of the applicant.

4. The evidence presented shows that this is of non-combustible materials.

NOW THEREFORE BE IT RESOLVED, that the subject application of Willie J. and Geraldine McCray, under Section 30-6.6 of the Ordinance, to permit awning or patio cover to remain 4.2 ft. from existing garage at 8019 Imperial Street be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

Seconded, Mr. Barnes. Carried 4-0.

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DEPARTMENT OF PUBLIC WORKS, FAIRFAX COUNTY, VIRGINIA, app. under Sec. 30-7.2.6.1.2 of the Ordinance, to permit erection of fire station, 8701 Lukens Lane, Mount Vernon District, (RM-2G), Map 110-1 ((1)) 28, S-207-69

This is an out of turn hearing, Mr. Knowlton stated, and advertising was done prior to receipt of the application, therefore the application should be changed to read Department of Public Works, Fairfax County, Virginia, rather than Ingleside Fire Station.

Mr. Liedl represented the applicant. The Planning Commission approved this on April 21, 1969, he said, for construction of a fire station as a public use. They did not realize that fire stations of this type were not considered a public use and therefore would have to come under community use. This fire station is being built for professional services; it will not have auxiliary rooms, etc. He showed a rendering of the proposed building. The site is owned by the County and they are ready to advertise and construct, having this available for fire protection, hopefully, by mid-summer of next year.

Is the RM-2G zone built up, Mr. Smith asked?

There are no apartments erected, but there are scattered homes in the area, Mr. Knowlton said.

The facility will be one story, brick construction, with no hose tower or siren, Mr. Burton told the Board. It will be a drive-through, two bay facility deep enough for one ladder truck, a pumper, and an ambulance. Living and working quarters are provided on both sides of the building, with quick access to the apparatus. There will be twelve men for the engine company operation. They will solicit volunteers from the neighborhood as much as possible. The plan is highly adaptable. Vehicles will be washed inside the building.

Mr. Liedl said they are widening in front and building curb and gutter.

October 14, 1969

DEPARTMENT OF PUBLIC WORKS, FAIRFAX COUNTY, VIRGINIA - Ctd.

No opposition.

In application S-207-69, an application by the Department of Public Works, Fairfax County, Virginia, for erection of fire station, on property known as tax map 110-1 ((1)) 28, 8701 Lukens Lane, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 14th day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by Fairfax County.
2. The property is zoned RM-2G.
3. The Planning Commission on April 21, 1969 approved this facility under Section 15.1-456 of the State Code.
4. The need for this additional fire protection in this area has been demonstrated.
5. There will be no siren or hose tower in this fire station.

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

1. The application conforms to standards for special use permits in R districts as indicated in Section 30-7.1.1 of the County Code.

2. This use will not be detrimental to the character and development of adjacent land and will be in harmony with the purposes of the comprehensive plan of land use embodied in the Code.

NOW THEREFORE BE IT RESOLVED, that the subject application of the Department of Public Works, Fairfax County, Virginia, under Section 30-7.2.6.1.2 of the Ordinance, to permit erection of fire station, at 8701 Lukens Lane, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land. This permit shall expire one year from this date unless construction or operation has started, unless renewed by Board action prior to the date of expiration.

3. This construction will be of red brick as outlined.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals. This includes changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

Seconded, Mr. Barnes. Carried 4-0.

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DEFERRED CASES:

K. PAPHIDES - TYSONS INN RESTAURANT, app. under Sec. 30-7.2.10.5.19 of the Ordinance, to permit dance hall, 8240 Leesburg Pike, Dranesville District, (C-G), Map No. 29-3 ((1)) 80, S-152-69 (deferred from Sept. 9)

The notices that were sent out were in question at the first hearing, Mr. Knowlton said, but all property owners have been notified.

Mr. Paphides said the Fire Marshal would allow him 146 seats in the building with a 15' x 15' area used for dancing. All conditions of the Inspections Division have been met.

Mr. Koneczny said he had been in touch with the Inspections Division and everything has been taken care of except the electrical which has not received final approval.

October 14, 1969

K. PAPHIDES - TYSONS INN RESTAURANT - Ctd.

Mr. Knowlton informed the Board that the applicant would need 37 parking spaces for this number of people to meet Code requirements. They have not been able to figure how this many cars could park on the property.

Mr. Paphides said the gravel area in front would park 28 cars. There is other parking in the rear. He said he had counted 43 cars outside one night when there were 63 customers inside. If he gets the permit approved, he would have live music for dancing one night and go-go girls one night, in order to please all of his customerss.

No opposition.

Mr. Paphides said he has a month to month lease on the property which is up for sale now. He would have to vacate on 30 days notice.

In application S-152-69, an application by K. Paphides, Tysons Inn Restaurant, to permit dance hall on property located at 8240 Leesburg Pike, also known as tax map 29-3 ((1)) 80, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 14th day of October, 1967 held a public hearing on this case, and

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

1. The owner of the property is A. M. Bryant et al and K. Paphides is the lessee on a month to month basis.

2. The zoning of the property is C-G.

3. The restaurant has a seating capacity of 146 people and 37 parking spaces would be required for this use.

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

1. The applicant has not submitted evidence that he can furnish the required parking.

2. The application does not meet the requirements of Section 30-2.2.2 of the Code.

3. The applicant has not submitted evidence that this use will be in harmony with the surrounding area.

NOW THEREFORE BE IT RESOLVED, that the subject application of K. Paphides, Tysons Inn Restaurant, under Section 30-7.2.10.5.19 of the Code of Fairfax County, to permit dance hall at 8240 Leesburg Pike, be and the same hereby is denied.

Seconded, Mr. Yeatman. Carried 4-0.

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JAMES D. NEALON, application under Section 30-6.6 of the Ordinance, to permit variance of total side yard restriction from 20 ft. to 18 ft., Lot 394A, Sec. 6, Canterbury Woods, 5010 Woodland Way, Annandale District, (R-12.5), Map 69-4, V-153-69 (deferred from Sept. 9)

Letter from the applicant requested withdrawal of the application.

Mr. Barnes moved that the Board allow the application to be withdrawn with prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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DR. DAVID K. HERNDON, application under Section 30-7.2.6.1.10 of the Ordinance, to permit dental office in residence, Lot 40, Westmoreland Place, 1955 Kirby Road, Dranesville District, (RT-10) Map 40-2 ((11)) 40, S-154-69 (deferred from Sept. 9)

Mr. Smith read a letter from the applicant referring to misunderstanding on the part of the Board regarding his application for "special zoning permit". It was the Board's interpretation that the misunderstanding must be on the part of the applicant, as this Board does not hear "special zoning permits" and they took the letters as a request for withdrawal of the application.

Mr. Yeatman moved that the Board allow the application to be withdrawn without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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October 14, 1969

JACQUELINE NOVAK - Request for extension of use permit for riding stable at 1891 Hunter Mill Road.

Mr. Koneczny reported that this has been a rather controversial item throughout the year. The location and the way the operation has been conducted, and frequently horses getting loose, has resulted in his making six inspections of the property in the last year. Riders have been riding off the property and the property has not been kept as it should have been for this type operation.

Mrs. Kidwell, a neighbor, showed pictures of horses that she claimed belonged to the Novaks, on the Kidwell property. Mrs. Novak's gate has been left open on occasion, she said, and horses have gotten out. She would have no objection to the riding stable as long as the horses stay on their own property but Mrs. Novak seems not to have any respect for other people's property, she said. There is no place to house the horses and they are out all winter long. She has seen them pawing the snow to get something to eat. Mrs. Novak does have one stable.

The Board granted a 30 day extension from October 10 to November 10, 1969 and requested the applicant to appear before the Board at a time specified on the agenda to show cause why further extension of this use permit should not be denied based on reports received by the Board as to the nuisance involved. Seconded, Mr. Yeatman. Carried unanimously.

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CLEMENTE & TAYLOR - Request for extension of variance granted December 1967.

Mr. Hansbarger represented the applicants. The Board granted a variance for erection of a Safeway Store on property located at the intersection of Kings Highway and Telegraph Road in December 1967, he said. The applicants later requested and were granted one extension for six months. They are well along now both financially and as a practical matter, and yesterday when these gentlemen went to get their building permit (site plan was approved subject to dedication for storm sewer easement) they were advised that their variance had expired. The problem is that their loan commitment is such that construction must start tomorrow or the loan expires. The site plan was submitted to the County over a year ago.

Many problems have delayed approval of the site plan, Mr. Knowlton told the Board. This is a rough piece of land to work with. In the interim some of the County standards were changed and caught this developer in the process. He could say for a fact that the site plan has been diligently pursued.

The Board has indicated that they cannot grant extensions after the permit expires. Mr. Smith said. There would have to be a public hearing.

The Board decided to go on to the next item and come back to this later in the meeting.

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HENRY LODGE #57 - The Board held a public hearing and granted a use permit to this applicant, Mr. Knowlton reminded the Board, and later there was a rehearing with new plats. It was approved in accordance with new plats, but there is one stipulation that is giving the staff a problem -- it says "the conditions of the original granting apply". In the first motion there was a requirement of 50 ft. of undisturbed vegetation on certain sides of this property. The plat which the Board considered at the second hearing had a driveway to the parking lot through the 50 ft. strip. If the applicant abides by the plat before the Board now, he will be in violation.

Mr. Smith suggested deleting the part of the motion that says "all other provisions of the original granting will apply."

Mr. Yeatman moved to accept Mr. Smith's suggestion. It was the intent that the plat submitted at that time would be the governing factor as to the open space and in the case where there is conflict, the second plat would be the guiding factor -- plat dated revised 2-3-69 by Fred T. Wilburn. Seconded, Mr. Barnes. Carried unanimously.

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ANNANDALE VOLUNTEER FIRE DEPARTMENT - Site plan is attached to the folder and does not quite agree with the plat that was approved with the application, Mr. Knowlton said. There have been no major changes except that one of the wings of the building has been moved. Approval was in accordance with plat submitted, subsequently, the staff cannot approve the site plan. They hired an architect to design this structure as shown on the plat. After it was approved by the Board of Zoning Appeals the applicants discovered that they did not need a hose tower, dormitory, kitchen or day room but they did need more equipment. Total floor area is almost identical. Setbacks are met on either plan.

The Board agreed that the approval would be as shown on revised site plan #1578 by John P. DiGiulian, revised 9-16-69.

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October 14, 1969

Mr. DeMaine from DeMaine funeral home in Springfield appeared before the Board with a request that the screening required on the back of his parking lot be eliminated for safety reasons. There are 240 ft. of thick woods in the back and he has an option to buy that property so he would not be required to put up screening.

The Board did not agree to any changes. Consensus of the Board was that until the situation has changed so that Mr. DeMaine actually has control of the other property, the Board will sustain its original position.

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Request for out of turn hearing - RAYMOND LATALL.

Letter from the applicant requested an out of turn hearing due to the fact that he is a Viet Nam veteran and has to return to the hospital in December for extensive surgery. The Board agreed to hear this on November 7 and there should be some statement in writing from his doctor to put in the folder if there is ever a question of why the Board granted this out of turn hearing.

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The Board discussed definition of "riding schools" with Mr. Covington and Mr. Hansbarger, Mr. Hansbarger contending that a riding school is excluded from the special permit uses in definition, and it is permitted as a matter of right, either as a principal or accessory use, in an RE-2 zone. It permits all accessory uses to keeping horses. There are no horses there for hire. The definition of riding school is horses kept there for hire.

Mr. Smith agreed that if only one child took lessons once in a while it would be a different situation than if there were a number of children involved on a regular basis and he did not feel that this would fall within the intent of the Ordinance. To have someone come down the road on a horse for professional instruction and charge him for it, it is a riding school, Mr. Smith said. If a person is using the horses on his property for instruction, this is a violation of operating a riding stable without a use permit.

Mr. Covington mentioned letters of complaint received about a riding stable operation that is being conducted even though the special use permit request was denied.

In that case, general health and welfare was a prime factor of consideration, Mr. Smith recalled. All of his decisions on such cases have been based on the number of animals involved, he said.

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The Board went back to the request of Daniel Clemente & Charles Taylor, for extension of variance.

Mr. Hansbarger said if he were in court he would ask the court to go back to the beginning and instead of extending it for six months, to extend it to October 30.

If three days from today will do it, Mr. Smith said, then that is what should be done to allow the building permit to be obtained.

Mr. Barnes suggested ten days.

In the application of Daniel Clemente & Charles Taylor, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to side property line than allowed, Lots 1, 2 and 3, Par. 38, Lee District, application originally granted December 19, 1967 and extended November 26, 1968 for six months, Mr. Long moved that the extension be amended to be granted from December 19, 1968 to October 31, 1969. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Smith said he hoped this would not set a precedent. This is an unusual situation, it is a very difficult piece of ground to develop, and the Board has taken this into consideration by their action today, not meaning to set a precedent.

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In discussing procedures of the Board, Mr. Smith said, the Board has been discussing with Mr. Knowlton that possibly the Board was not specific enough in view of recent discussions with the County Attorney, and that the Board should add a third item to their motions. "This approval is granted for the buildings and uses indicated on plat submitted with this application. Any additional structures of any kind, changes in use, or additional uses, whether or not those additional uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals. This includes changes in ownership, changes of the operator, changes in signs, changes in number of employees, or persons involved, or changes in screening and fencing."

October 14, 1969

BZA Procedure - Ctd.

Does this mean a gas station would have to come in every time they change their employees, Mr. Yeatman asked?

This may not have any effect on a gas station, but how about expanding a nursing home or a school, Mr. Smith asked? What the Board should do is adopt this in principle. This could be eliminated from a gasoline station possibly, but again, the change in signs is a very pertinent factor.

Consensus of the Board was to adopt in principle the third item for the motions.

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Mr. Koneczny brought up the subject of the David Theis (Ponderosa Farm) application and said the Board originally required the applicant to submit an insurance certificate and this has never been done. Mr. Koneczny said he had obtained one from the underwriters. Also, in checking on the number of ambulance calls with the Great Falls Fire Department, he found that from September 1, 1968 to September 1, 1969, they have had a total of 21 ambulance calls to this location. The majority of them indicated that there were bodily injuries on the property. The Fire Marshall could not tell whether each call was for the highway or for persons being injured on the property by horses.

The Board agreed to have the applicant come before the Board to show cause why his permit should not be revoked as his name does not show on the insurance form submitted to the Board, and also because there have been reports of many personal injuries in the past year. He has not complied with the intent of the Board. The names Wally Holly and Clifton Webb are shown on the insurance form but the name of the applicant is not shown.

The Board also discussed the possibility of requiring an inspection of the horses in all riding stable operations by a qualified veterinarian periodically. Possibly Mr. Barnes could supply the staff with the kind of questions on a form the vet could fill out for the horses.

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Regarding the Jacqueline Novak application, Mr. Smith asked that the Recreation Department be notified of the forthcoming hearing as they have a contract with her. See if they have any comments on this.

The meeting adjourned at 5:20 p.m.
By Betty Haines

Daniel Smith

Daniel Smith, Chairman
Approved by Board of Zoning Appeals -
November 18, 1969

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 21, 1969 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present: Mr. Daniel Smith, Chairman, presiding, Mr. George Barnes, Mr. Richard Long, Mr. Clarence Yeatman, and Mr. Joseph Baker.

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

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Mr. Smith read a letter of appreciation from the Board of Governors of the Gunston Hall School, thanking the Board for granting their request last month.

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JACK R. GUSTAFSON, application under Section 30-6.6 of the Ordinance, to permit division of lots with less frontage and area than allowed by the Ordinance, located N. W. intersection of Lee Avenue and West Boulevard Drive, Wellington, proposed Lots 63A and 63B, (RE 0.5), Mt. Vernon District, Map 102-2 ((17)) 62, 63, V-174-69

Mr. Gustafson told the Board he plans to combine the three lots and build two houses. He is the builder and has a contract to purchase the property.

The Chairman questioned whether the applicant had the right to apply for the variance since he has no interest in the property and he did not believe the Board had authority to hear an appeal unless it is from one who has a vested right in the property. The application would have to be in the name of the owner, and Mr. Gustafson could represent them as agent. He quoted a court case (Portsmouth, Virginia) in which the courts decided that a contract to purchase is not sufficient interest to apply for an exception, however, since the application is scheduled and people are present, the Board will proceed with the hearing, Mr. Smith said.

Mr. Miles H. Reynolds, 7900 West Boulevard Drive, presented a petition jointly prepared by himself and Major Nelson, the only adjacent property owner to the land in question. The petition was signed by 38 people opposing the granting of any variance as they felt it was not in the best interests of the area and would be injurious to future property values.

Are the two streets improved, Mr. Long asked?

West Boulevard Drive is the property of the Interior Department, Mr. Reynolds replied, and has no sidewalks, gutters or curbs, and no street lights. Lee Avenue is a tar-gravel surfaced road without sidewalks and gutter.

Under the Subdivision Ordinance, a person resubdividing the land would have to dedicate to bring the streets up to standard, Mr. Knowlton informed. There is no requirement for curb, gutter and sidewalk unless there is a drainage problem, in which case the Drainage Division would require curb and gutter. Existing Lot 63 does not have the same width as the other lots and where a street is 40 ft. wide normally the requirement for dedication would be 5 ft. off one side and 5 ft. off the other side, but Lot 63 would have to give 10 ft. off the side to meet with what already exists.

Mr. Yeatman noted that Wellington Estates is a subdivision that was laid out many years ago on 50 ft. lots and does not comply with requirements of RE 0.5 zoning. The people built on two lots in order to get 100 ft. of frontage.

Mrs. Ingrid Nelson said that many people who were in opposition had to go to work and could not be present but they did sign the opposing petition.

Mr. Reynolds told the Board that this is the last building lot available between Alexandria Avenue and Wellington Lane.

Mr. Smith reminded the Board that the hearing was proceeding based on the application as filed, however, the Board cannot grant a variance to Mr. Gustafson.

Mr. Alan W. Slayton, one of the owners of the property involved in the application, asked if the application could be amended to read the names of the owners.

If the owners of the three lots are present, the application could be changed, Mr. Smith said.

Mr. Slayton stated that Mrs. Bernice Davis was the other owner involved and he could not speak for her, but he felt her feelings would be consistent with his own on the matter. He has owned Lot 63 and residue of Lot 66 since 1951 and has no interest in Lot 62.

October 21, 1969

JACK R. GUSTAFSON - Ctd.

Mr. Gustafson said there was no intention of leaving the portion of Lot 62 on the c orner by itself -- it would be combined with 63A and there would be frontage of more than 180 ft. on that lot. Combined total would give approximately 33,000 sq. ft.

This is not reflected by plats presented, Mr. Smith said.

Mr. Long suggested bringing back a different building plan with less variance.

Mr. Gustafson said he would have to make a study of it. This land is quite expensive and they have to consider the correct houses for it. He plans to build houses of a minimum of $50,000. The latest new house in the area (across the street) sold for between $45,000 and $48,000. This is generally an older neighborhood.

Mr. Smith reminded the Board that they had gone thirty minutes overtime in this case. No matter what happens in this case, it should not affect the property owners' rights to make a proper application after proof of ownership. This should not prejudice them by imposing the one year waiting period if they want to make application.

In application V-174-69, an application by Jack R. Gustafson, for division of lots with less frontage and area than allowed by the Ordinance, located at 7911 Lee Avenue, also known as tax map 102-2 ((17)) 62, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 21st day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by Bernice Davis and Alan W. Slayton.
2. The present zoning of this property is RE-0.5.
3. The applicant desires to divide the subject property into two lots for the erection of two single-family dwellings.
4. 100 ft. of lot width is required in this district but one of the proposed lots has only 81.4 ft.
5. The applicant as contract purchaser of this property does not have sufficient interest to request a variance, and

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

1. Granting a variance to the named applicant would be impossible as he does not have sufficient interest in the property.

2. The applicant has not demonstrated that this would be in harmony with existing development in the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of Jack R. Gustafson, under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage and less area than allowed, 7911 Lee Avenue, be and the same hereby is denied without prejudice to the property owners.

Seconded, Mr. Baker. Carried 5-0.

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KATHLEEN F. LESLIE, application under Section 30-7.2.6.1.3 of the Ordinance, to permit pre-school for three and four year olds, Tuesday and Thursday mornings, 8:45 a.m. to 11:30 a.m., 15 children, 8902 LaGrange Street, Pohick Estates, Section I, Lee District, (R-12.5), Map 108 ((2)) 29, S-175-69

Mrs. Leslie told the Board of her background and experience in teaching. She has three children of her own, she said, and since the neighborhood children gather at her home anyway, she would like to have a pre-school two mornings a week for 15 children. That way she can be home with her children and earn a little money besides. The property has been inspected by the County and she is in the process of making the minor corrections required by them. All of the children would walk to her home as they all live within two blocks.

Mr. Smith pointed out that no parking would be permitted in the front setback nor closer than 25 ft. to the side and rear property line. They could not park in the driveway. All parking in connection with the use must be on-site and meet the setback requirements of the Ordinance.

October 21, 1969

KATHLEEN LESLIE - Ctd.

Mrs. Leslie insisted that there would be no need for any parking spaces; everyone would walk to school.

The parking situation was discussed at length. Mrs. Leslie finally agreed that if it were absolutely necessary, she could provide a parking space, though probably no one would use it. This is only a temporary use. They are in military service and will be moving in about two years. She would like to do this as a favor to neighborhood mothers as there is no pre-school in the area.

Mr. Knowlton pointed out that the Code specifies that the number of parking spaces is to be set by the Board and it is possible the Board could rule that no spaces were necessary.

No opposition.

In application S-175-69, an application by Kathleen F. Leslie, for operation of pre-school for 3 and 4 year olds on Tuesday and Thursday mornings, 8:45 to 11:30 on property located at 8902 LaGrange Street, Fairfax County, also known as tax map 108 ((2)) Lot 29, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 21st day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by John E. and Kathleen F. Leslie.
2. Present zoning of the property is R-12.5.
3. The property is located in the Pohick Estates Subdivision.
4. The provisions of the Site Plan Ordinance (Article XI of the Code) require approval or waiver for this type of use.

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

1. The applicant has not demonstrated that the size and intensity of the proposed operation would not be hazardous or inconvenient to the residential neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of Kathleen F. Leslie under Section 30-7.2.6.1.3 of the Code of Fairfax County, to permit pre-school for three and four year olds, at 8902 LaGrange Street, be and the same hereby is denied.

Seconded, Mr. Yeatman. Carried 5-0.

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PAUL F. MORRISON, application under Section 30-6.6 of the Ordinance, to permit less frontage and less area, 8628 Woodlawn Court, Lee District, 101-3 ((1)) 95, (RE-0.5) V-177-69

Mr. Morrison stated that Mrs. Mary Kilby is owner of the property; he is representing her as a favor.

Mr. Smith pointed out that Mrs. Kilby should be the applicant in this case and Mr. Morrison should act as agent.

Mr. Morrison stated that he is a real estate broker. Mrs. Kilby has lived here for 25 years and now that her family has grown and she is a widow, she cannot take care of the property and the frame house that requires high maintenance. She wants to continue to live in the area so she would like to sell the house she lives in and build another one on this street. He filed the application with the County and hand-carried everything to the County -- if anything was wrong with the application, he should have been told before now, he said.

Mr. Smith assured Mr. Morrison that he had every right to file an application. The Board is recently beginning to restrict applications to those in ownership. If the application had been filed in the owner's name, Mr. Morrison could have been agent.

Mrs. Kilby's check paid for the application, Mr. Morrison said.

Mr. Long felt this would amount to a rezoning if granted as the applicant is going down to R-12.5 requirements in an RE 0.5 zone.

The present lot is of record, Mr. Smith said, and they are cutting off 80 - 85 ft. creating a non-conforming lot. It is up to the applicant to prove a hardship.

October 21, 1969

PAUL F. MORRISON - Ctd.

Mr. Morrison explained that Mrs. Kilby is a widow. The taxes and maintenance on this property are very high and she would like to divide the property strictly because of her income. The property backs up to the Woodlawn Shopping Center, zoned C-D. The residential use of this lot appears to be of benefit rather than a situation of detriment because with this type of location she could be applying for commercial use.

Mr. Smith asked if Mr. Morrison had a contract to sell Mrs. Kilby's house. He said he did not -- he was present as a favor to Mr. Watts, a good friend of Mrs. Kilby.

In order to get the lot size under subdivision required for what is shown on the plat it would need R-17 zoning, Mr. Knowlton stated, to allow lots down to 15,000 sq. ft. To get the lot width requested he would need R-12.5 zoning which would allow 80 ft. lots. This application contains a full acre of land and under RE-0.5 could be divided into two equal parcels with relocation of the house. This is the only way they could see to make this a minimum application; anything else would be tantamount to rezoning.

If a variance is necessary Mr. Smith said he would rather see a variance granted on the existing house rather than create a non-conforming lot.

No opposition.

After further discussion regarding the legality of the application Mr. Morrison offered to withdraw the application and reapply in the owner's name.

In application V-177-69, an application by Paul F. Morrison, to permit less frontage and less area on property located at 8628 Woodlawn Court, also known as tax map 101-3 ((10)) 95,County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 21st day of October, 1969 held a public hearing on the case, and

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

1. The applicant is not the owner of the property involved in the application.

2. The applicant has requested withdrawal of the application in order that the owner may reapply in her name,

NOW THEREFORE BE IT RESOLVED, that the Board of Zoning Appeals allow the application to be withdrawn without prejudice so that a new application and revised plats may be submitted by the owner, and that Mrs. Mary Kilby, the owner, be present at the public hearing on the new application.

Seconded, Mr. Yeatman. Carried 5-0.

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JAMES L. RHODES, application under Section 30-6.6 of the Ordinance, to permit erection of carport 12 ft. from side property line, 8209 Westchester Drive, Dunn Loring Gardens, Lot 50A, Map 39-3 ((9)) 50A, (RE-1), V-178-69

Mr. Rhodes outlined his plans for a double carport on the property which he has owned for three years. The house is about ten years old. This will be an open carport with brick piers.

Mr. Knowlton pointed out that the side yard requirement in this zone is 20 ft. but the Code would permit an open porch or carport 15 ft. from side property line.

Mr. Smith asked if the applicant planned to continue living here.

Mr. Rhodes replied that he had no plans to sell his home and move away.

No opposition.

Mr. Smith asked about the terrain of the property.

Mr. Rhodes described the property as sloping to the driveway, and from there on it is very level. The property adjoins the old railroad right of way and Yeonas' development on 1/4 acre lots is just across the street. In view of aesthetics he needs the extra 3 ft. so the carport will not look like a leanto.

October 21, 1969

JAMES L. RHODES - Ctd.

Mr. Smith read the section of the Ordinance dealing with variances and asked Mr. Rhodes if there was an alternate location for a carport?

The alternate location would take up the entire lot, and a driveway to get in and out of the carport would have to be constructed in some other place. It would defeat the purpose of one having a lot of this size as an area for children to play. He and his wife both work and it is necessary for them to maintain both cars under roof and if they were only allowed a 19 ft. double carport with brick piers, there would only be 8 ft. of space for automobiles to park. The carport would be entered from the front as there is not enough turning radius to come in from the side. The dwelling on Lot 49A is located behind the easement, way back behind his house.

That is an unusual feature, Mr. Smith agreed. To move the carport to the back yard would have more impact on the adjacent property owner than putting it in the location proposed.

No opposition.

In application V-178-69, an application of James L. Rhodes, application to permit erection of carport 12 ft. from side property line, 8209 Westchester Drive, Dunn Loring Gardens, Lot 50A, Map 39-3 ((9)) 50A, Mr. Long moved that the Board adopt the following Resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 21st day of October 1969 held a public hearing on this case, and

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

1. The subject property is owned by the applicant.
2. The zoning of the property is RE-1.
3. Required side line setback for an open carport is 15 ft.

AND WHEREAS THE BOARD OF ZONING APPEALS has reached the following conclusions of law:

There is the unusual feature of the existing dwelling on adjacent property being located to the rear of the proposed carport. Lot 50-A is an irregular shaped lot. This variance would be in harmony with the residential neighborhood.

NOW THEREFORE BE IT RESOLVED, that the subject application of James L. Rhodes, under Section 30-6.6 of the Ordinance, to permit erection of carport 12 ft. from side property line, at 8209 Westchester Drive, be and the same hereby is granted, with the following conditions:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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LEWIS L. PIERCE, application under Section 30-6.6 of the Ordinance, to permit erection of private swimming pool closer to rear property line and closer to house than allowed by Ordinance, 1502 Middlebury Drive, Westgrove, Map 93-2 ((5)) (5) 14A, Mount Vernon District, (R-12.5), V-179-69

The property in the rear has been sold since he filed his application, Mr. Pierce stated, and he has not been able to notify the new purchaser. He understood that he would be moving in some time between now and Christmas. He moved into his home in 1957 and has five children ages 11 through 18. This home was probably more than he could afford at the time of purchase and now his children do not want to move. There are many people in the County who do not have pools so he could not say that this

is a hardship but he cannot utilize the property if he cannot get the variance. The house was placed on the lot so that his back yard has less space than others around him. The neighbors are in favor of the application.

Mr. Smith said he sympathized with people who could not build a pool in their back yards, but this is a situation that is general throughout the County. If the Board is going to allow pools within 12 ft. of the house, the Ordinance should be amended. The reason for the 12 ft. separation between the house and the accessory use was based on fire protection for buildings, but a pool is not a building. It is, however, considered a structure. He felt the realistic approach to this would be to permit pools as a matter of right but under the Ordinance it cannot be done. Pools are very beneficial to families, it keeps them together and enjoying recreation together. The Board has denied requests similar to this.

This is an odd shaped lot, Mr. Baker pointed out.

And the road curves, Mr. Yeatman added.

The curve in the road caused the house to be placed at an angle on the lot, Mr. Pierce continued, in order to meet the setback requirements of the Ordinance. His house is a gathering place for children in the area and he would like the pool for them. The back yard is relatively level, but the front slopes down toward the back.

No opposition.

Mr. Yeatman said a 6 ft. fence should be placed around the pool to keep children out when the pool is unattended.

Mr. Pierce said he was planning to put up a wrought iron fence.

If it is a wrought iron fence, Mr. Baker cautioned, the stakes should be put close together to keep children from getting through.

Would the applicant be agreeable to a basketweave fence in back with wrought iron on both sides, Mr. Baker asked?

Mr. Pierce agreed this would be all right.

Mr. Smith suggested a chain link fence with panels inserted to give privacy.

In application V-179-69, an application by Lewis L. Pierce, for a variance to permit swimming pool to be constructed in accordance with plans submitted on property located at 1502 Middlebury Drive, also known as tax map 93-2 ((5)) Lot 14A, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 21st day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by the applicant.
2. The present zoning of the property is R-12.5.
3. The only variance required is thatinvolving the 12 ft. setback between the accessory use and a screened porch on the existing dwelling, and

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

1. This use will be in *harmony* with the residential neighborhood.
2. This is an irregular shaped lot.

NOW THEREFORE BE IT RESOLVED, that the subject application of Lewis L. Pierce, under Section 30-6.6 of the Code of Fairfax County, to permit erection of private swimming pool in accordance with plat submitted, at 1502 Middlebury Drive, be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to expiration.

4. Proposed construction must be in accordance with plat on file with the application.

5. No superstructure is to be placed over this pool at any time.

6. The applicant will erect a 6 ft. chain link fence interlaced with screening material as approved by the Planning Engineer, around the rear of the property.

Seconded, Mr. Barnes. Carried 5-0.

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DUNN LORING SWIM CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit additional swimming pool, new bath house, move and change office to snack bar, increase membership and membership area, 8328 Cottage Street, Dunn Loring Woods, Centreville District (R-12.5), Map 49-1 ((9)) (I) A, 12, 13, S-180-69

Mr. James McNulty, President of the Club, stated that they have a membership of 625 families now. The present office building they have is a wooden structure. They plan to move that into the new pool area and use it as a snack bar.

Mr. Knowlton read the staff comments on this application: "....Mr. Garza of the Drainage Division has pointed out that a large percentage of the parking area is flood plain. Construction in flood plain requires approval of the Board of Zoning Appeals and release of responsibility on the part of the County. As this has not been granted, it is recommended that the parking be relocated so as to place all (or at least far more than shown on the plat with this application)outside of the flood plain limits."

Mr. McNulty said they have requested a variance on the parking requirements to allow them to provide parking in the flood plain area without raising the flood plain area. It was pointed out at the time of the original hearing that they would have to get a variance to park in the flood plain.

Mr. McNulty asked the Board to approve the use permit with the exeeption of parking and let them come in later for parking.

The Board cannot approve the use without parking, Mr. Smith said; it is very relative to a use permit. Why can't the parking be moved out of the flood plain, he asked?

The parking is now in the area where they propose to place the new pool, Mr. McNulty said.

Does the land flood often, Mr. Yeatman asked?

No, they have watched the land closely and they have never seen the water in the area where they plan to put the parking.

Mr. York Phillips told the Board that Mr. Garza said in cases of waiver for parking in flood plain, the Board of Supervisors would have to do it, and would only do it in extreme cases.

Mr. McNulty said membership fees are $350 now and will be raised to $400. Seasonal dues are $60.00.

No opposition.

The Board discussed the parking problems at length and deferred action on this until such time as the Board of Supervisors has had an opportunity to consider a waiver for parking within the flood plain limits.

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SUN OIL COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection of building 25 ft. from Old U. S. Route 1, 5928 Richmond Highway, Lee District, (C-G), Map 83-3 ((1)) 67, 68, 69, V-41-69 (deferred from March 11, 1969)

Mr. Knowlton read the staff comments on this application:

"This application was deferred by the BZA March 11, 1969 for six months for several reasons, primary among these the State Highway development plans for U. S. #1. Needless to say, these plans have taken a back seat to the Northern Virginia Urban Needs Study which we understand will not be considered by the County until summer 1970.

Under present requirements of the County, the necessary widening of U. S. #1 would require a few feet of this property which would be unaffected by the proposal of this applicant.

The Planning Commission on March 8 of this year recommended that this application be denied and stated "the Commission concurs that the granting of this application would compound safety problems which currently prevail along U. S. #1 - a result of the proliferation of points of ingress and egress throughout its entirety."

October 21, 1969

SUN OIL COMPANY - Ctd.

At the March 11 hearing before the BZA the staff made the following comments: "A site plan will be required for this use. On November 22, 1966 the applicant sought a variance to construct an additional bay on the existing service station site on parcel 69. Since that time the applicant has gotten use of Lot 67 and 68 and now wishes to construct a completely new service station utilizing all three tracts. Old Richmond Highway which runs behind the property is to be utilized as the service drive for this area and the current plans for improvements to U. S. #1 will involve a minimum of widening. The staff recommends that sufficient right of way be dedicated along Route 1 to include the proposed widening and a sidewalk, and that not to exceed 30 ft. on Old Richmond Highway be dedicated for the widening of this road."

Mr. Hansbarger submitted new plats. The change reflected on the plats is the variance being requested has been reduced from 25 ft. to 15 ft., he said, and the building will set 35 ft. off Old Richmond Highway rather than the 25 ft. that was requested. There was considerable discussion with staff members and this is basically what came out of the discussion. This will be a four bay Colonial station. The existing station will be torn down. That building is 35 ft. from the property line. It was his thought that no building should be any closer to the property line than that. In addition, this building under the existing Ordinance would violate the front setback because it has to be set back 75 ft. until this maximum right of way has been obtained. They will be required to widen U. S. #1 and pave to the entrances to the station. They will also have to put in sidewalks, curb and gutter to the rear. By granting this variance they will be eliminating two setback violations. There will not be a cover over the pump islands.

The original proposal was for 25 ft., Mr. Smith recalled. It also had a provision for a future bay and what they apparently have done now is include that future bay. Mr. Chilton appeared at the public hearing on this application and this proposal is the outcome of some of his comments, Mr. Smith said, and will clear up a bad existing situation.

In the application of Sun Oil Company, application No. V-41-69, an application to permit erection of building closer to Old U. S. Route #1 than allowed, on property located at 5928 Richmond Highway, Lee District, also known as tax map 83-3 ((1)) 67, 68, 69, County of Fairfax, Virginia, Mr. Yeatman moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 21st day of October, 1969 held a public hearing on this case, and,

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

1. Sun Oil Company is the owner of the property.

2. The property is zoned C-G.

3. Site plan is required for this use.

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

1. This gas station building will be in harmony with the existing uses in the area.

2. This is the minimum variance requested to allow the upgrading of this existing use.

NOW THEREFORE BE IT RESOLVED, that the subject application of Sun Oil Company, under Section 30-6.6 of the Code of Fairfax County, to permit erection of building closer to old U. S. #1 than allowed, at 5928 Richmond Highway, be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

3. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

4. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals.

Seconded, Mr. Baker.

October 21, 1969

SUN OIL COMPANY - Ctd.

Mr. Smith pointed out that the date of the public hearing was March 11, 1969 and at that time it was deferred for final action and information, and set for decision six months later.

The year would run from today's date, Mr. Long said. They have one year from today to start construction.

Motion carried unanimously.

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FRANK EVANS, application under Sec. 30-6.6 of the Ordinance, to permit covered porch 25.9 ft. from Swinton Drive, Kings Park West, Sec. 6, Lot 391, 5035 Swinton Drive, Springfield District, (R-17 cluster), Map 68-4 ((6)) 391, V-172-69 (deferred from October 14)

Mr. Jesse Wilson introduced Mr. Kay from Richmarr Corporation and stated that a building permit has been secured for the house with a porch.

Who provided the fee for this application, Mr. Smith asked?

Mr. Wilson said that Mr. Evans provided the fee.

In that case the Board has no alternative but to deny the application, Mr. Smith said; Mr. Evans did not construct this porch in violation. He did not build the house or stake it out. The application should have been under the name of Richmarr as it is made under paragraph 4 of the variance section of the Ordinance, the mistake clause, and Mr. Evans did not make the mistake. He does not own the house. He is not the proper applicant in this case. The contract purchaser is not a valid owner and does not have a vested interest to be the applicant in the case of exception or variance.

Mr. Wilson asked that the application be amended to include Richmarr Construction as the applicant. Richmarr will reimburse Mr. Evans for the trouble he has been to in this application.

Mr. Yeatman moved that Richmarr Construction Company be added to the case of Frank Evans. Seconded, Mr. Long. Carried unanimously.

Mr. Kay told the Board that the engineer platted this particular section of Kings Park West and prepared a development plan which was approved by the County. When it was sent out to sales personnel they proceeded to offer the homes for sale. Mr. Evans had been in previously and wanted to purchase this particular type of home -- a Regent home and there are two variations - the R house and the S house. Floor plan is identical, however, exterior elevations are different. He expressed a desire to have the "S" type house with a front porch which usually is put on the R house. This was a matter of combining the two exterior elevations. This was an oversight in failing to mention the porch on the building permit application. They failed to notify the engineer to set the house back further with the porch. The error was not discovered until the final house location survey was sent in for final approval.

No opposition.

In application V-172-69, an application by Richmarr Construction Company, an application to permit covered porch 25.9 ft. from Swinton Drive, located at 5035 Swinton Drive, Springfield District, also known as tax map 68-4 ((6)) 391, County of Fairfax, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 21st day of October 1969 held a public hearing on this case and

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

1. The property is owned by Richmarr Construction Company and Frank Evans is contract purchaser of the house and lot.

2. The porch does not interfere with sight distance.

3. Plans submitted for a building permit now on file do show a porch on the house.

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

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RICHMARR CONSTRUCTION CO. (FRANK EVANS) - Ctd.

1. This is a hardship resulting from an honest error on the part of the person locating the house.

2. The addition will not be detrimental to the character and development of adjacent land.

NOW THEREFORE BE IT RESOLVED, that the subject application of Richmarr Construction Company under Section 30-6.6 of the Ordinance, to permit covered porch to remain 25.9 ft. from Swinton Drive, Kings Park West, Section 6, Lot 391, located at 5035 Swinton Drive, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

2. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.

Seconded, Mr. Barnes. Carried 4-0. Mr. Baker did not vote.

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Mr. Yeatman moved that the Board approve the minutes of September 9 and 16. Seconded, Mr. Baker. Carried unanimously.

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Out of turn hearing request - application V-219-69 - wanted to construct a carport before winter weather sets in. The Board did not feel this was justification for granting an out of turn hearing. Mr. Yeatman moved that the request be denied. Seconded, Mr. Baker. Carried unanimously.

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Request of Mr. and Mrs. Franklin Minney to take over the Sir Browcain School.

Mrs. Minney stated that she and her husband are now running the school for Mrs. Cain. They have a two year lease with option to buy. The use permit was issued to Mrs. Cain on July 12, 1962, trading as the Sir Browcain School.

Mr. Smith said the permit was granted to Mrs. Cain and was not transferable.

Mrs. Cain has asked them to change the name of the school, Mrs. Minney said.

The name of the school has no bearing on this use permit as long as it is not a Corporation, Mr. Smith said. The permittee is Mrs. Cain and the only way the Minneys can operate the school is with her permission so if they want to change the name of the school to the Minni-School, this is fine. The permittee could not be changed until an application has been made for the school. If there is a lease on the property for two years or option to buy, they would have a right to apply for a use permit or they could work out something with Mrs. Cain until the option has been exercised two years from now. Then at that time they could file an application.

Mr. Yeatman suggested that the Minneys get in touch with Mrs. Cain about insurance on the school and have the necessary changes made in that.

The County permit only calls for thirty children, Mrs. Minney told the Board. This was remodeled in 1962 and they could accommodate more children.

The applicant should have come back to the Board for expansion of her use permit, Mr. Smith said. If the Minneys want more than 30 students they should make application right away and have an occupancy permit prior to occupying the building.

The other Board members agreed.

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Mr. John Crist was present regarding a letter he had received from the Board requesting his presence at the November 7 meeting regarding an extension of use permit for a service station at Route 1 and Gunston Hall Road. What did the Board want him to present on that date?

The Board wants to see a copy of the site plan, Mr. Smith said, as the Board has become reluctant to extend use permits unless absolutely necessary. If this has been diligently pursued, this would be a reason for extension.

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The meeting adjourned at 4:35 p.m.
By Betty Haines, Clerk

Daniel Smith, Chairman

_____ Date

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The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 28, 1969, at 10:00 a.m., in the Board Room of the County Courthouse. All members were present: Mr. Daniel Smith, Chairman, presiding; Messrs. George Barnes, Clarence Yeatman, Joseph Baker and Richard Long.

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

JOHN LEROY GREGSON III & MARY M. GREGSON, app. under Sec. 30-6.6 of the Ordinance, to permit addition 8 ft. from side property line, 7204 Tyler Avenue, Tyler Park, Lot 22, Sec. 1, Providence District, (R-10), Map 50-3 ((9)) 22, V-181-69

Mr. Gregson stated that the houses were constructed around 1946 and he has lived in the house since 1952. He would like to add a dining room with an area underneath to be used as a garage. The space between the side of the house and the property line is roughly about 20 ft. and the present Code will allow him to build within 10 ft. of the line. He is requesting a variance for two extra feet. He plans to continue living in the house. The garage would be partially underground as the property slopes back to this area. The driveway is off Tyler Avenue. The room would be approximately 12 ft. x 26 ft.

No opposition.

In application V-181-69, an application by John L. Gregson III and Mary M. Gregson, for construction of room with garage under it within 8 ft. of side property line, on property located at 7204 Tyler Avenue, also known as tax map 50-3 ((9)) 22, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 28th day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by the applicants.
2. The present zoning of the property is R-10.
3. The lot contains 8,815 sq. ft. of land.
4. The side setback from the property line is 10 ft.

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

1. This variance meets specifications of Section 30-6.6 in that the lot is irregular in shape.
2. This lot is in an older subdivision and this would be a minimum variance to grant relief.

NOW THEREFORE BE IT RESOLVED, that the subject application of John L. Gregson III and Mary M. Gregson, under Section 30-6.6 of the Code of Fairfax County, to permit construction of room with garage under it within 8 ft. of side property line, at 7204 Tyler Avenue, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only and is not transferable without further action of this Board and is for the location indicated in this application and not transferable to other land.
3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to the date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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MICHIKO K. BENTON, application under Sec. 30-7.2.6.1.5 of the Ordinance, to permit operation of beauty shop in home as home occupation, 9906 Minuet Ct., Tanglewood, Lot 11, Sec. 1, (R-17 cluster), Map 38-3 ((29)) 11, Centreville District, S-182-69

Mrs. Colita Carroll, attorney, represented the applicant.

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Mrs. Benton stated that the house is about three months old. She would like to be able to work about three or four days a week at home because she has small children and does not wish to go out to work. She has no desire to make her business offensive to the neighbors in any way. There would be no sign in connection with the operation, no noise, and no indication that there will be a business conducted there. This will be a one chair operation, no employees. No deliveries will be made to the home, and this operation would not interfere with the neighborhood traffic in any way. Two people would be there at a time, possibly three if they overlap. There is adequate room on the property for customer parking. This is on a corner lot, one block from the entrance to the community. She would operate from 9:00 a.m. to 4:00 p.m. four days a week.

Mr. Covington noted that water and sewer are available from the Town of Vienna.

In answer to questioning from Mrs. Carroll, Mrs. Benton told the Board that she has operated her business in her home in another location in the Town of Vienna, before moving to this location. That home was located on a court, and the lots in that subdivision were smaller lots. This was not a nuisance to the neighbors and in fact, they did not know it existed until Mrs. Benton told them.

Mr. Raoul Draper, living three houses from the applicant, asked for more information regarding County regulations for this type of operation. 1) How does this affect other homes in the development? 2) Can this be granted with restrictions concerning signs, expansion potential and additional employees? 3) Is this granted to the applicant or to the house? 4) Can license be transferred upon sale of the house?

This is a use permit allowed under the Ordinance under certain conditions to the occupant of a residence for a home occupation, to be used by this applicant, Mr. Smith said, with no employees now or ever if this is granted. It would be to the applicant only and not transferable, and would not affect any other property owner or individual home. It could only take place in this particular house by this particular owner -- if ownership is changed or the applicant moves, the use would discontinue.

Mrs. Virginia Frick, living directly across the street, said her only objection would be if there were cars parked in front of her house or in the way of their driveway. If this application is granted, could a doctor or dentist, for example, come in, having patients visit them or would they have to apply for a permit?

One doctor or one dentist who lives there can do this by right, Mr. Covington stated. Each could have two employees.

Mr. Smith assured Mrs. Frick that all parking in connection with the home occupation would have to be on the property. They could not park on the street. Parking on the property would have to meet certain requirements of the Ordinance -- 30 ft. from the street and 25 ft. from all other property lines.

A lady who gave her address as 2319 Tanglevale Drive asked whether there were any rezoning involved?

No, this is only a special use permit application, Mr. Smith said, and this use, if granted, would cease when the applicant no longer lives there.

Mr. Norman Dall, 9901 Madrigal Way, reminded the Board that the applicant purchased the property knowing of the covenants which would restrict commercial operations. There is only room for two cars in the driveway and he has seen cars parked in the street and turning around in the neighbor's driveway. He feared this operation would bring in additional traffic and decrease land values. If he had known of this proposal, he would not have bought in this neighborhood.

The County Ordinance permits this use as a home occupation and if the residents of the area feel that the covenants disagree, this would be a civil matter, Mr. Smith pointed out. Obnoxious uses are not granted by this Board. This is a home occupation and not actually considered a business. It is normally for the benefit of the community and the people living around it, not for people coming from great distances to it.

Mr. Dall said that people now coming from areas outside of the neighborhood.

A doctor or lawyer could have his office here by right, Mr. Smith told Mr. Dall.

The Board does not base its decisions on covenants, Mr. Yeatman said; they must consider the Zoning Ordinance.

Mr. Dall said these are $50,000 houses and he and his wife object to such a use in the neighborhood.

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In regard to the cost of the homes, Mr. Smith said -- a man's home is his castle, no matter whether it costs $50,000 or $5,000. He did not know of any case, he said, where the Board has granted a home occupational use where it has had any adverse effect on property values, or this would have been removed from the Ordinance. This was put in the Ordinance to provide a service to the people of the neighborhood where there are no nearby commercial operations of this type.

There is a beauty shop in the Town of Vienna, less than five miles away, Mr. Dall stated.

Mr. Dall feared that others in the subdivision would apply if this is granted.

There can only be one in the neighborhood, Mr. Yeatman stated. The Board has not had this problem in other neighborhoods where home occupations were granted. This operation would not be any more objectionable than a doctor's or lawyer's office which could be put there by right.

Mr. Dall said he would object to that also.

Mrs. Margarete Ing, 9903 Madrigal Way, asked what is a home occupation?

Basically a beauty shop, barber shop, where the operator is the person who resides in the house, with no other people involved in the operation, Mr. Smith explained. A music teacher would need a use permit. Doctors and lawyers could have their offices in their homes by right.

Mrs. Ing asked what if she decided to have a small antique shop in her basement with no outside advertising or if her son decided to do electrical work?

Electrical repairs would be out, Mr. Smith said, but an antique shop would be allowed under a use permit the same as this.

What are the limitations on the number of home occupations which can be operated in a given area, Mrs. Ing asked?

There are no limitations, Mr. Smith answered, but normally the Board has had only one application in a subdivision.

Mrs. Ing said she was positive that the nearest beauty shop would be within no more than two miles distance from where she lives and she would object to this application. It is too early to tell whether this will have an adverse effect. This is a new development. There will be no resale of houses in the next year or so.

Mr. Yeatman commented that he did not think Mrs. Ing would have to worry about property values being devaluated. He knew of no place in the County for the past 20 years where a person has sold a house for less than he paid for it.

Mrs. Ing said the economy has something to do with that. Her objection is basically on the grounds that she lives in a residential area and would prefer that it not take on any tone of commercial.

Mrs. Doris Smith from the other neighborhood where Mrs. Benton lived, stated that Mrs. Benton gets her own supplies -- they are not delivered to the house. There were never more than two cars at that address, and they did not have the parking facilities they have here. She said she did not know that there was a beauty shop until Mrs. Benton called her. The property did not devaluate -- it sold for $25,000 in May and in October they sold theirs for $31,000.

Mrs. Joan Snyder, 9902 Madrigal Way, would not object to a home occupation provided it did not grow into something bigger, she said.

Mrs. Carroll submitted a copy of the applicant's permit approved by the Health Department.

Mr. Benton said he wanted his wife to be home with their two children and she liked to do some work to keep from being bored. It was not a question of doing this for money -- she could have a commercial beauty shop in a commercial location if she wanted to.

The Board again discussed the setbacks for parking to serve the use. The customers would have to park in the garage in order to meet the setbacks.

Mrs. J. V. Ranny, living on the corner opposite the Bentons, spoke in favor of the application.

In application S-182-69, an application by Michiko K. Benton, for beauty shop as home occupation, on property located at 9906 Minuet Court, also known as tax map 38-3 ((29)) 11, County of Fairfax, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has this 28th day of October, 1969 held a public hearing on this case, and

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

1. The owners of the subject property are Lt. Col. Arthur L. and Michiko K. Benton.
2. The present zoning of the property is R-17 cluster.
3. The property contains 12,634 sq. ft. of land.
4. The provisions of the site plan ordinance, Article XI of the Zoning Code, must be complied with in this application.

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

1. This use meets the specifications of Section 30-7.1.1 of the Code.
2. This beauty shop would be a home occupation.

NOW THEREFORE BE IT RESOLVED, that the subject application of Michiko K. Benton, under Section 30-7.2.6.1.5 of the Code of Fairfax County, to permit beauty shop as home occupation, 9906 Minuet Court, be and the same hereby is granted with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only for a period of one year, and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.
3. This permit shall expire one year from this date unless renewed by action of this Board prior to the date of expiration.
4. This approval is granted for the buildings and uses indicated on the plats submitted with this application.
5. There is to be no advertising or outside signs located on the property in connection with this use.
6. Hours of operation would be from 9 a.m. to 4 p.m., Wednesday, Thursday, Friday and Saturday.
7. Customers would be by appointment only and scheduled so as not to overlap in appointments.
8. The applicant would be the sole operator and this would be a one chair operation.
9. One parking space shall be maintained in the garage during the hours of operation for customer parking.

Seconded, Mr. Barnes. Carried unanimously.

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ROBERT L. SWEITZER, app. under Sec. 30-7.2.6.1.8 of the Ordinance, to permit nursing facilities - 80+ beds, located S. side of Elkin St. opposite Lombardy Lane, Mt. Vernon District (R-12.5), Map 102-3 ((1)) 40, S-186-69

Mr. Sweitzer stated that he has been a resident and voter in the area for 15 years.

Mr. Smith interrupted to ask whether Mr. Sweitzer were aware of the Planning Commission action of September 29, 1969 requesting the Board of Zoning Appeals to defer action until the Planning Commission has had an opportunity to review this matter on October 24.

Mr. Smith also read a letter from the Health Department which stated that according to their sewer maps sewer is not available to this tract and it is not suitable for septic tanks.

Mr. Barnes moved to defer action until the Planning Commission has had an opportunity to review this matter. Seconded, Mr. Yeatman. Carried unanimously.

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STEPHEN M. & JUNE CARNEY, application under Section 30-6.6 of the Ordinance, to permit construction of open carport closer to side property line than allowed, 1923 Kenbar Court, Kenbargen, Lot 20A, Dranesville District, (RE 0.5), Map 41-1 ((24)) 20A, V-185-69

Mr. Knowlton located the property on the map.

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STEPHEN M. & JUNE CARNEY - Ctd.

The house was built in 1960 or 1961, Mrs. Carney said, and they have lived here since 1962. They would like to construct a carport but because of the shape of the property which is very narrow at the front and because of the uneveness of the property the only place they can locate a carport is where they propose to put it. On the other side of the house is a sharp hill and they could not place it there. The proposed carport would be 12 ft. wide. If they put it in the rear of the property, it would be closer yet to the property line. They are permanent residents of the area and plan to continue living here.

Mrs. Carney presented a letter signed by Bertrand Berube, the neighbor closest to the proposed carport, stating that he had no objections.

No opposition.

In application V-185-69, an application by Stephen M. and June K. Carney, to permit construction of an open carport 3 ft. 11 in. into required side yard on property located at 1923 Kenbar Court, McLean, (Kenbargen) also known as tax map 41-1 ((24)) Lot 20A, Fairfax County, Virginia, Mr. Long moved that the Fairfax County Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 28th day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by the applicant.
2. The present zoning of the property is RE-0.5.
3. The lot contains 20,141 sq. ft. of land.

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

1. This addition meets the specifications of Section 30-6.6 of the Code in that the lot is irregular in shape.
2. Topography of the lot is such that this is the only place a carport could be located on the lot.
3. This is a minimum variance necessary for reasonable use of the property.

NOW THEREFORE BE IT RESOLVED, that the subject application of Stephen M. and June K. Carney, under Section 30-6.6 of the Code of Fairfax County, to permit construction of an open carport 3 ft. 11 in. into required side yard, at 1923 Kenbar Court, be and the same hereby is granted, with the following limitations:

1. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.
2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.
3. This permit shall expire one year from this date unless construction has started, unless renewed by action of this Board prior to date of expiration.

Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM W. GILES, app. under Sec. 30-6.6 of the Ordinance, to permit frame shed to remain 5 ft. from side property line, 4206 Duvawn St., Ridgeview, Sec. 3, Blk. C, Lot 18, Lee District, (R-12.5), Map 82-3 ((10)) (C) 18, V-187-69

Mr. Giles explained that he erected the shed shortly after moving into the area, in 1966. He was informed by a Zoning Inspector that a complaint had been received regarding the shed, and he was instructed to file an application for variance. The shed is completely surrounded by cedar trees in front and back and is very difficult to see. The shed is used for storage of lawn equipment, garden tools, etc.

It was Mr. Smith's opinion that the Board could not grant a variance until the applicant has applied for a building permit for the shed and obtained inspections to see if it meets the County requirements for construction.

Mr. Giles asked for deferral so he could obtain a building permit.

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WILLIAM W. GILES - Ctd.

Mr. Long moved to defer to November 18 so the applicant can apply for a building permit and the building inspector can inspect the construction. Seconded, Mr. Barnes. Carried unanimously.

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LANGLEY CLUB, INC., application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection of additional tennis courts, swimming pool, handball, volleyball, practice courts, ping pong tables, and addition to clubhouse, located on Live Oak Drive, Map 21-1 ((1)) 7A & 8A, Dranesville District, (RE-1), S-188-69

Mr. Sheridan, architect, stated that the original permit was granted about 12 years ago. They have 300 members and 74 existing parking spaces. They will provide 102 extra parking spaces.

How do you get into this property, Mr. Yeatman asked?

There is a bridge that goes over the Beltway, Mr. Sheridan replied. He introduced Mr. Clark.

Present plans do not call for an increase in membership, Mr. Clark stated. They have 300 families now and they try to maintain this number each year.

Mr. Smith pointed out that some of the parking spaces shown on the plat are on the property line and this is not allowed. About 37 parking spaces are shown on the line. The Board cannot waive the 25 ft. setback from the property line.

Section 30-7.2.5.4.1 of the Ordinance says the Board may grant a lesser separation, Mr. Sheridan stated. This is existing and they are not asking for a change. There is a strip of no-man's land between the parking and the Beltway itself which is owned by the County or the State.

Could the parking be moved back, Mr. Yeatman asked?

No, Mr. Sheridan replied.

Mr. Barnes asked if Live Oak Drive is a busy street.

No, there are four houses down there, Mr. Sheridan answered.

Mr. Smith asked whether they had obtained Health Department approval for installation of the new pool.

No, Mr. Sheridan replied, they have worked with the Health Department on sewer and have approval as far as the drainage system is concerned. They will work this off septic tank. They are adding six new pits and a new septic tank.

It would help if the Board had the original folder granting the application, Mr. Smith noted, however, the staff had not been able to locate it.

Mr. Yeatman suggested treating this as a nonconforming use.

If the Board could get something to establish that this parking was permitted in the original use permit, he would be glad to go along with this, Mr. Smith said.

Mr. Clark told the Board that Mr. Jack Bradley has the deed, he might also have the use permit. He was one of the members who started the organization.

The Board recessed for lunch.

Upon reconvening, Mr. Smith announced that the staff had found the folder and all the information from the original use permit, in the name of McLean Langley Club, Inc. He read the motion granting the application dated March 26, 1957.

No opposition.

In application S-188-69, an application by the Langley Club, Inc., to permit additional tennis courts, pool, ping pong tables, handball and volleyball practice courts, and the enlargement of the club house on property located at 728 Live Oak Drive, also known as tax map 21-1 ((1)) 7A and 8A, Fairfax County, Virginia, Mr. Long moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public by advertisement in a local newspaper,

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posting of the property, and letters to contiguous and nearby property owners as required, and the Board of Zoning Appeals has the 28th day of October, 1969 held a public hearing on this case, and

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

1. The subject property is owned by the Langley Club, Inc.
2. The present zoning of the property is RE-1.
3. The subject site contains 4.6274 ac. of land.
4. The original use permit for the Langley Club, Inc. was granted March 26, 1957. The 1.3774 ac. parcel of land and the existing improvements thereon were not included in the original permit.
5. Provisions of the Site Plan Ordinance, Article XI of the Zoning Code must be complied with in this application.

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

1. This use would be in accordance with the specifications of Section 30-7.1.1 of the Code.

NOW THEREFORE BE IT RESOLVED, that the subject application of Langley Club, Inc. under Section 30-7.2.6.1 of the Code of Fairfax County, to permit addition to recreational facilities of existing Langley Club, Inc., 728 Live Oak Drive, be and the same hereby is granted with the following limitations:

1. This is for a maximum of 300 family memberships with provision for 100 parking spaces. There is to be no vehicular parking within 25 ft. of property lines common to E. B. Burling, Sr. and C. W. Sanders.

2. A chain link fence is to be erected to a maximum of 12 ft. in height 8 ft. more or less inside the property along the common boundary lines of E. B. Burling, Sr. and C. W. Sanders.

3. Screening by a method approved by the Land Planning Branch along the common boundary lines of E. B. Burling, Sr. and C. W. Sanders for the first 7 ft. of height of the fence. The lower 7 ft. of the fence should be screened by slatting.

4. A chain link fence is to be erected 6 ft. in height along Live Oak Drive.

5. An agreement is to be entered into with Fairfax County to construct curb and gutter along Live Oak Drive at such time as either of the adjoining properties are developed.

6. All buildings and improvements existing and proposed are to be in accordance with plat prepared by Schiller & Associates, August 21, 1969, on file with this application.

7. Hours of operation will be from 8 a.m. to 9 p.m. 7 days a week. Any exceptions to this (teen and adult nights) would have to be approved by the Zoning Administrator in advance.

8. This permit shall not be valid until the applicant has obtained a certificate of occupancy covering the use and buildings.

9. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in this application and not transferable to other land.

10. This permit shall expire one year from this date unless construction or operation has started, unless renewed by action of this Board prior to the date of expiration.

11. This approval is granted for the buildings and uses indicated on the plats submitted with this application. Any additional structures of any kind, changes in use or additional uses, whether or not those uses require a use permit, shall be cause for this permit to be re-evaluated by the Board of Zoning Appeals. This includes changes of ownership, changes of the operator, changes in signs, changes in the number of employees and/or persons involved, or changes in screening or fencing.

Seconded, Mr. Barnes. Carried unanimously.

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DAVID THEIS (PONDEROSA FARM), application for operation of a riding stable, 9600 Leesburg Pike, Dranesville District, (RE-1), Map 19-1, S-845-68 - granted by BZA June 25, 1968

Mr. Smith recalled that one of the items that brought this to the Board's attention

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was the fact that one of the requirements of this operation was that a bona fide certified certificate of insurance by the owner of Mr. Theis be submitted and this certification was received, however, Mr. Theis' name was not included on that.

Mr. Dennis Duffy stated that he represented Mr. Theis on this matter as he represented him on June 25, 1968. After doing a great deal of research on his part he could find absolutely no authority for this Board to set a "show cause" hearing. The Board's authority comes from the Code of Virginia which specifically states in the sections that are applicable to the Board of Zoning Appeals that the County and the Board cannot go beyond those powers which are given in this book. He did not feel that there was any authority for this. The granting of the use permit gave a vested right which can only be divested by the court of law. There is no provision for this body to bring anyone under oath. There is no right of cross-examination and he would respectfully suggest that the Board of Zoning Appeals is not granted the power by the Commonwealth of Virginia to hold this hearing.

Mr. Smith disagreed, saying the Board has revoked permits in the past and the Board does have authority under the County Ordinance with certain stipulations and certain time factors to request the permittee of a use permit in the County to show cause why the permit should not be revoked. The Board has acted on this application because Mr. Theis was informed of the insurance situation by the Inspections Division and he has had over one month to submit the information the Board has requested. He has never met the requirements of the use permit. There are some other factors he was sure the Board would like to have answers to in relation to this. He has been served notice in accordance with the Ordinance, giving 10 days notice to show cause why the permit should not be revoked. The Board does have authority to hold a hearing on it and if the attorney has nothing to say, he would ask for the staff report.

Mr. Duffy said this is Mr. Theis' livelihood. The County of Fairfax has always been fair before and given every man his right and there are several matters which are inaccurate -- the Board did not comply, to the best of his knowledge, with the requirements of their own Ordinance regarding notice of the Inspections Department nor the serving of the ten day notice upon the applicant in accordance with the rules in the Code. Under the Code it says it must be sent by registered letter, return receipt requested. Obviously, he received the notice or he would not be here today. He has not received notice of violation or anything. The first notice they had was when this letter was delivered to him by Mr. Theis.

On June 25, 1968, Mr. Theis said he had obtained insurance coverage but in checking on it further, Mr. Smith said, they found that the coverage involved in the policy is only to the other individuals and Mr. Theis' name is not on the insured names involved here.

Without waiving any of the matters he indicated, Mr. Duffy said, he would go into the matter of the insurance, and he does have information based specifically on this particular point which he himself developed as a result of the letter which Mr.Theis presented to him.

Mr. Smith asked for a report from Mr. Koneczny, Zoning Inspector.

In checking through the County records after finding the lack of the certificate of insurance in the application, he checked with the Fire Marshal's office and obtained records from the Great Falls Fire Department as to how many calls were dispatched to the 9600 location of the Ponderosa, Mr. Koneczny said, between September 1968 and September 1969 there were a total of 21 emergency calls to this location. The forms that were filled out by the responding individuals did not indicate whether it was to the property itself or to the highway or whether these people came off of this property, but it was to this location. It is not quite definite whether accidents were in front of the property or resulting from this property; the injuries were broken arms, broken legs and backs, cut heads which could fall definitely into the operation of a riding stable or school. It was also brought to his attention, Mr. Koneczny continued, that people who rent the horses must sign a liability release clause to the Ponderosa. This is actually a clause stating that the Ponderosa is not held liable for any bodily injury or damage while they are on the property.

This is what brought up the insurance question, Mr. Smith said, as Mr. Theis originally showed the Board a piece of paper that each person has to sign that is not in accordance with safety factors, they should have insurance to protect the individuals in all cases. The Board was concerned that there be insurance protection for all people utilizing this facility while they were on the premises since this was a use permit granted by a Board appointed by the Circuit Court Judges and the members should in all cases to the best of their ability and knowledge safeguard the safety of the people utilizing the facility.

Mr. Koneczny stated that he made a blanket survey of all special use permits granted by the Board for this type operation and inquired as to the accident rate at these particular locations. He could not find any that came nearly as close in a year's time or during the entire operation. He personally felt that in comparison, this sounds like a very unsafe operation.

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Mr. Yeatman asked Mr. Koneczny if he knew as a matter of fact of an accident at this particular location.

Mr. Koneczny replied that he was going by County records.

This could be hearsay evidence which would not be admissible in court, but if there were one person who was injured at this operation, he would give it more consideration, Mr. Yeatman said. He understood that there was coverage on this property now.

The permittee was not named in the policy he saw, Mr. Smith said. One of the conditions in granting this application was that a statement be presented to the Board showing that the applicant has coverage in his name.

Who owns the property, Mr. Yeatman asked?

Mr. Koneczny replied that Dr. Clifton Webb is the owner of the property.

Mr. Duffy told the Board that Mr. Theis has insurance and there is a certificate coming air mail special delivery naming him as a policy holder.

Has there every been a certification by an insurance company that Mr. Theis was covered by the policy, Mr. Smith asked?

He does not have to be named, Mr. Duffy replied.

He is the permittee, Mr. Smith stated -- who else could the Board hold responsible?

Mr. Smith read from the motion granting the application and said at the time the indication certainly was directed that the permittee be covered. The Board can hold no one else responsible but the permittee in this case.

The motion indicates that an insurance policy be kept in force similar to the one mentioned in the memo attached to the affidavit, Mr. Duffy said. There was no intent to mislead anyone. He was not here when the Board raised the question previously from whence this hearing was deferred. He did have a copy of the memo that was sent to Mr. Theis setting forth the prior motion. At all times any person riding the horses on the Ponderosa Farm are covered by insurance, notwithstanding any insurance release they sign. Their interest and the Board's interest is to protect the rider.

Was there any time in the last year somebody got hurt and a claim had to be turned in, Mr. Yeatman asked?

There are claims in litigation, but nothing has been settled, Mr. Duffy replied. If someone is hurt or suspected of being hurt, the ambulance is called. Sometimes the ambulance will come and if someone has just had the breath knocked out of them and is all right by then, there is no reason for the ambulance to be there, but they are asked to go with the ambulance to make sure they are all right.

Has Mr. Theis been on the premises each and every day since this permit was granted, Mr. Smith asked?

Mr. Theis replied -- yes, every day.

How many riders have been there in this period of time, Mr. Duffy asked?

Approximately 15,000 - 20,000 riders, Mr. Theis said.

How many horses have been on the property, Mr. Smith asked?

Forty-five, Mr. Theis answered.

Have there ever been more than forty-five, Mr. Smith asked?

Not for riding purposes, Mr. Theis said.

Mr. Duffy explained that there are other horses there that do not belong to him and not for the stable.

What is the arrangement on this, Mr. Smith asked? Mr. Duffy speaks of other horses and other people. Are they leasing the horses or do they get paid for running the school?

Mr. Theis said that he was paid on a commission basis.

Who pays it, Mr. Smith asked?

Wally Holly, Mr. Theis replied.

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Mr. Smith asked Mr. Theis if he could furnish the Board with a copy of the checks he has received for this period of time?

Mr. Duffy said he did not know what this has to do with the insurance of the use permit.

There has been some question about whether Mr. Theis has been present during the entire time of the operation, Mr. Smith stated.

The letter says they are present because of the insurance, Mr. Duffy said. If the fact can be established that an operation requires the use of ambulances fifteen times in a short period, something is wrong, Mr. Smith said. Either this is an unsafe operation or it is operated in an unsafe manner.

Mr. Duffy said he saw nothing wrong with football and that is not unsafe and has more ambulance calls.

The Board has no jurisdiction over football, Mr. Smith stated, and asked Mr. Duffy to stick to facts, not football.

Mr. Duffy said he was not present to argue. He did not know what was behind all of this. He came here indicating to the Board in good faith as an individual what he felt about the situation. He also indicated in good faith, he said, that the Board, even forgetting his argument, has not complied with their own Ordinance.. However, the letter send to Mr. Theis indicates that they are present because of the number of accidents and the insurance. Now they are in a situation of other things -- whether he is there or is not there. No use permit is granted to anyone where that individual is there 24 hours a day, seven days a week.

Mr. Smith said he assumed that he does not operate the use twenty-four hours a day, certainly that was not the intent of the Board. If the counsel for the permittee feels that this is not a proper hearing then the chair will recess this and will assure that the applicant will get proper notification in accordance with certified mail in accordance with the Ordinance, if Mr. Duffy does not care to waive this. If there is any question that the Ordinance procedural requirements have not been met, he would be the first one to recess the hearing, he said, and say that the applicant does not have proper notice. The Board will continue its investigation into the matter. This has been brought up several times and he would like Mr. Duffy to waive the requirement or state that the Board has not complied. The Board has complied with the intent of the Ordinance. The letter was received by mail, at least ten days in advance of this date.

Mr. Smith stated that the hearing would be recessed because of the question on the notification. He suggested that the Board instruct the Zoning Administrator to follow the procedure set forth in the Ordinance and set a new hearing date to meet these requirements. The Board is operating under the County Ordinance. This is the County Ordinance they are complying with. The State Code does not supersede the County Ordinance when the County Ordinance has preference -- this is a use granted by the County. The Board of Zoning Appeals is set up by the State Code, but it is under County jurisdiction. It is appointed by the Circuit Court of the County and operates basically in compliance with the County Ordinance unless the State Ordinance is less restrictive.

There cannot be any more restrictive County Ordinance than State Ordinance, Mr. Duffy said.

The Board is discussing procedural requirements, Mr. Smith pointed out, and the Board gave the applicant ten days notice.

His client received a letter, Mr. Duffy stated. The letter indicates certain things that the Board wanted. The Board is going way beyond the letter and he is going to object to it, he said. The Board heard from their Inspector the rankest of hearsay. He does not know of anything of his own personal knowledge.

Mr. Theis admits calling the ambulance fifteen times during the past fifteen months, Mr. Smith said.

That is just the point, Mr. Duffy contended -- this Board cannot have this power because they don't have the witnesses or the right of cross-examination.

He was not under oath when the permit was granted, Mr. Smith pointed out.

The letter of June 3, 1968 indicated a deferral of the hearing, setting a new deferral date of June 25, 1968, Mr. Duffy stated, and there was a certified statement in writing as to the position of Mr. Theis as far as the operation is concerned, that as manager he will assume responsibility. In response to that, the affidavit was prepared.

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DAVID THEIS - Ctd.

The man was not under oath when he appeared before the Board to testify, Mr. Smith reminded Mr. Duffy. This was a certified statement from an insurance underwriter to the effect that he did have insurance and he was to furnish the Board with a copy of the insurance policy.

It was stated on the 25th that Mr. Theis assumes the responsibility, Mr. Smith said, but the Board has no information showing the name of David Theis. This was the intent and certainly it was discussed and the Board has no one under oath. He asked Mr. Duffy to answer one question -- whether or not he wanted to continue the procedure since the notices that were sent out were in question.

Mr. Duffy said he had no objection to the Board continuing based on the notices given to Mr. Theis, however, he would not waive his other objection for the record.

Do you feel that the Board should itemize or categorically set forth every part of any revocation procedure to the applicant in the ten day notice, Mr. Smith asked Mr. Duffy? Then the Chair would rule that this hearing is out of order and would move to notify the applicant and categorically set forth everything the Board has considered or is about to consider as being in violation of the permit. Mr. Duffy questions the validity of the County operated ambulance service -- this is not hearsay. He questioned the validity of the reported County records as to the ambulance records.

It is hearsay, Mr. Duffy said.

The Board can get a copy of the records, Mr. Smith stated. These are all County employees. Mr. Theis admitted fifteen ambulance calls.

Mr. Duffy again stated that this is hearsay -- the County Attorney would tell the Board that, he said.

This hearing will terminate and the Board will follow the outlined procedure in the Ordinance by sending to the permittee at the address shown, a notice of another date outlining the questions of the Board in detail and it will be sent by certified mail, with return receipt, Mr. Smith said. Also, he added, that in this the Board would request certain things in relation to the use itself and he felt should be answered and have proof of evidence at the time of the scheduled hearing.

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A letter from Mr. William O. Snead requested an out of turn hearing for the special use permit application of The Madeira School, to permit construction of girls' dormitory. This is an emergency as the building permit application got as far as Zoning and they found there was no special use permit covering the school.

Mr. Baker moved to grant an out of turn hearing at the earliest possible date -- November 18 providing advertising and posting deadlines were met. Seconded, Mr. Yeatman. Carried unanimously.

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The meeting adjourned at 4:10 p.m.
By Betty Haines, Clerk

Daniel Smith
Mr. Daniel Smith, Chairman

_____ Date